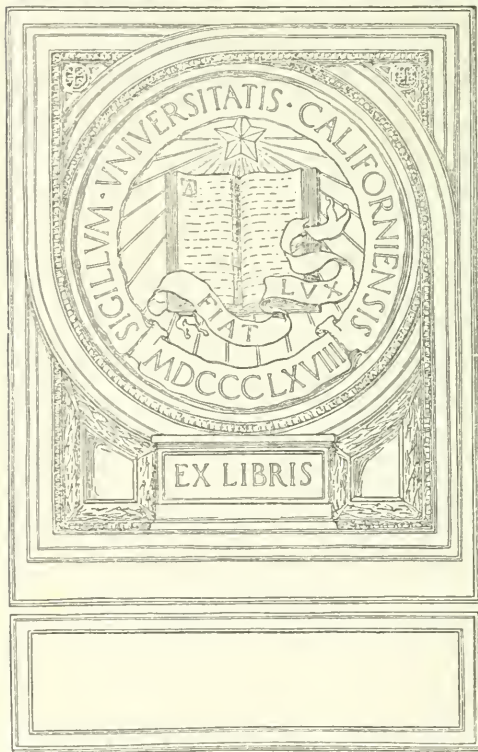


UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES







DEBATES  
AT  
THE INDIA HOUSE:

AUGUST 22<sup>ND</sup>, 23<sup>RD</sup>, AND SEPTEMBER 24<sup>TH</sup>, 1845,

ON

THE CASE

OF THE

DEPOSED RAJA OF SATTARA,

AND THE

IMPEACHMENT OF COL. C. OVANS.

*With Historical Notes,*

AND A SKETCH OF PREVIOUS PROCEEDINGS AT THE  
INDIA HOUSE.

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TO

THE PEOPLE OF ENGLAND,

AND

THEIR REPRESENTATIVES IN THE COMMONS HOUSE  
OF PARLIAMENT.

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To you, the people of this great, enlightened, and Christian country; and to you who represent the British people in the Legislature, is this volume dedicated. It contains an accurate report of two most important discussions at the India House on the case of the deposed Raja of Sattara. That the subsequent speeches may be the better understood, it has been deemed advisable to prefix some historical notes, and a brief sketch of proceedings in this country, down to the present time.

NOV 1 1940

W. WOOD'S





# HISTORICAL NOTES,

§c.

PRETAUB SHEAN, ex-Raja of Sattara, is descended from Sivajee, the celebrated founder of the Mahratta empire, which grew out of the ruins of the vast Mahomedan power which, in the reign of Aurungzib, in the early part of the last century, gave laws through the greater part of India, Scinde, the Punjab, and a portion of Affghanistan. Sivajee was a Rajpoot, and related to the family of the Rana (or King) of Odeypoor, the most noble and ancient of all the Rajpoot chiefs.

The efforts made by the Mahrattas under Sivajee to wrest from the Mahomedans the country that had been previously conquered from the Hindus, had been arrested by Aurungzib. Sivajee was dead; his eldest son, Sambajee, had been ignominiously put to death by the emperor, and Sivajee's grandson, Sahoojee, with his family, remained a captive in the hands of the Mahomedans.

The intestine feuds that arose among the sons of Aurungzib after his death were favourable to the enemies of the Mahomedans; but there were circumstances, at the moment, which rendered it politic to release Sahoojee from his captivity, and to allow him to recover, if possible, the territory his grandfather had conquered and lost; on condition that he should consent to retain the military office assigned to him in the service of the emperor of Delhi. It was not without some difficulty that Sahoojee obtained the recognition and allegiance of his subjects. Being, however, once established on the throne, he gave himself up to the amusements of the field, leaving the hard labour of recovering his grandfather's conquests, and of making encroachments on the Mahomedans wherever opportunity afforded, to his military chiefs. The direction of this difficult task was undertaken by his prime minister, under the title of Peshwa, who during his sovereign's life ruled the Mahratta dominions.

These dominions (which at the period when Sahoojee ascended the throne, were scarcely more than those subsequently assigned by the

British Government to his descendant in 1818) were, by the vigour and energy of the Peshwas greatly extended, and before the termination of the reign of Sahoojee, almost all India, from Tanjore on the south, to Delhi on the north, acknowledged the Mahratta sway. Such parts as were not actually conquered, consented to pay to the great predominant power an annual tribute levied under various pretensions. Sahoojee lived to an extreme old age, having survived two Peshwas, and leaving by will the care of his government to the then Peshwa, Ballajee Bajee Row. Sahoojee left no issue; but his minister caused his nephew, Raja Ram, a youth brought up in obscurity, to be proclaimed king, and the great officers of the State recognized him as such. From that period to the time when the Raja of Sattara was liberated from the thralldom of the Peshwas at the victory of Ashta, obtained by the British arms under Sir Lionel Smith, in the month of February, 1818, the descendants of Sivajee, under the rule of the Peshwas, were deprived of all political power; but each was recognized as the head of the Mahratta empire. Every attention was paid to the domestic comforts of the Raja and his family. He resided in a palace, on the hill fort of Sattara, containing an area of six or eight acres of land, affording abundant room even for horse exercise, and having a fish preserve for amusement. The several great officers of state, with their extensive domains, were always maintained as an appendage to the Raja's dignity; and his signature and seal were required to the completion of royal grants and patents for high offices. All official reports of military operations, the confirmation of treaties, and the declaration of war, went forth in the Raja's name, and he is designated up to the present period as "Chatr-Putty," the sovereign bearing the Royal Canopy, and is addressed and announced as Hindooput Raja, the King of Hindostan.

Nor were these honours merely nominal. In the year 1781, the agent of the Peshwa residing with the Raja writes to Nana Furnavis, (the Regent at Poonah)—"It is right we should know exactly what is to be expended on the kreea (funeral ceremony) of the late Raja Ram, deceased: ten or twelve thousand rupees (£1000 or £1200) will be required at least; meanwhile we have elephants, horses, and cloths, that we can give away as presents, but not enough money; I only brought with me five thousand rupees, which I have still got,

but we shall certainly want eight or nine thousand rupees more." Again, on the espousal of the Raja's daughter, we find the same Regent writing to the Agent at Sattara, to limit the expenses at the marriage of the Raja's daughter to fifty thousand rupees, or £5000.

Two more striking instances of the respect observed towards the Raja occurred on the election of the last Peshwa, now living in exile at Bittoor. In describing an interview between the Raja (the present Raja's father) and the Regent minister, Nana Furnevis, in the year 1796, at Sattara, the agent writes as follows:—"His Highness the Maharaj then replied, that the Court establishment being on so limited a scale, and no measures having been adopted to remove this cause of complaint, it was strange that he (the Regent) should come to him and request favours." His Highness then inquired as to the fitness of Bajee Row for managing the affairs of state, and as to his integrity. Nana Furnevis having satisfied him on these points, his Highness eventually gave his sanction to the appointment.

We subsequently find a letter from Bajee Row himself, to the present Raja's father, acknowledging the patent of office.

*"December 31, 1796.*

"May it please your Highness—

"By your Highness's favour I am at present in the enjoyment of health, and beg to present my most grateful and humble thanks for the khilut (robes of office) and seals, together with the patent of office as Peshwa to the State. I am your Highness's slave, and live in the hope I shall ever deserve your Highness's favour.

"Your Highness's dependants have none to look to for protection but their master. It is with this feeling that I lay my services at your Highness's feet.

(Signed)

"BAJEE ROW RAGONAT."

It is true that at a subsequent period, the same Peshwa, having formed an independent treaty with the British government in his own name, did not continue to pay the same respect to his sovereign, and even deprived him altogether of the use of his own money, causing him and his family to be provided with all necessary wants; he still, however, maintained towards him the outward forms of respect, and the Raja, to the last day of his connexion with the ex-Peshwa, Bajee Row, addressed him personally as his servant, and always spoke of

him as such. The Raja meanwhile retained, as he still does, the title of Maharaja Chatr-Putty, or, "His Majesty of the Imperial Canopy," and is addressed by his subjects and proclaimed as Hinduput Padsha, "Emperor of Hindostan;" and these titles and distinctions have been sanctioned during the twenty-seven years of his alliance with the British Government.

At the commencement of the Mahratta war in 1817, the present ex-Raja of Sattara was a state prisoner in the hands of Bajee Rao, the then Peshwa; and, on the conquest of the Mahratta empire, which was completed on the 20th of February, 1818, the power of the Peshwa was entirely annihilated, and the British Government proceeded to carry into effect the terms of a previous proclamation to the Mahratta people and chieftains, that the Raja, on being released, should be placed at the head of an independent sovereignty, of such an extent as might maintain him and his family in comfort and dignity. On the 20th of May, the Raja made his public entry into Sattara, escorted by the British troops, and most of the officers, and was formally placed upon the gadee (or throne) in full durbar. The motive avowed by the Governor-General of India, in thus establishing the Raja on the throne of his ancestors, with a limited territory, was to afford an honourable maintenance to the representative of the ancient Princes of the country, and to establish among the Mahrattas a counterpoise to the remaining influence of the former Brahmin Government. On the 25th of September, 1819, a treaty was concluded with the Raja of Sattara, by which the British Government ceded to his Highness, his heirs and successors, in perpetual sovereignty, certain districts specified in a schedule annexed. This territory was to be held in subordinate co-operation to the British Government, and the Raja was to be guided in all matters by the British political Agent or Resident at his Highness's Court.

Having now seen the Raja placed on his throne—that throne secured to him by solemn treaty, ratified, sealed, and delivered, let us look back for a moment to the still earlier history of this interesting Prince. His father had died in the year 1808, leaving two sons: himself, then four years old, and his brother, Appa Sahib, now his successor, and then an infant in arms. Their mother was a woman of high family, of great spirit, and of considerable natural talent. She was proud of her

elevated rank, devoted to the interests of her children, a hater of the Brahmins, who had usurped the power originally wielded by the Mah-ratta princes, and was bent on giving her sons an education which should render them, in some respects, equal to cope with the monopolized learning of the priesthood. She, besides, carefully instilled into their minds the dislike which she herself cherished to the whole Brahminical race; and, as will be seen in the sequel, the ex-Raja was not slow to profit by her lessons. It had been the policy of the Brahmins to prevent the Sattara princes from being taught to read and write, and to confine their accomplishments chiefly to skill in horsemanship, and the use of the bow. The Dowager Ranee, however, contrived to have her sons instructed in letters, after midnight, while their attendants slept; and the result was, that they were both tolerably educated before they were released from the Peshwa's power. The conduct of the Raja, when placed on his throne, evinced so much gratitude and fidelity to the British; so much talent and aptitude for public business; so much enlightened liberality and zeal for the interests of his people, that, in three years from the time of his installation, the entire management of the principality was placed in his hands, and the designation of *Political Agent*, to whose advice he had been required to yield submission, was changed to that of *Political Resident*, whose advice was only to be enforced, when the Raja's conduct was likely to lead to inconvenience or injustice, or to a positive breach of the treaty. Left to himself, he displayed a laudable, and in India, extraordinary desire for the education of the people. He was most anxious to fit the Mah-rattas for business, that they might supply the places hitherto filled by the Brahmins. For his own connexions, and the sons of the great officers of his government, he set apart a suite of rooms, in his own palace, as a college. On one occasion, when it was deemed necessary to ascertain what was the state of education in Sattara, a town containing 10,000 souls, it was found that it contained no fewer than *forty* schools. He manifested the deepest respect for the advice of those who had placed him on his throne, and superintended his early administration; and rigidly fulfilled the parting promise which he gave to Captain Grant Duff, the *Political Agent*, on his quitting Sattara for England, in 1823, that he would never depart from the laws established for him by that gentleman, and confirmed by the Hon. Mountstuart Elphinstone.

Nor was it on the subject of education alone, that the Raja displayed his zeal for the welfare and improvement of his people, and his fitness to rule over the portion of his ancestors' dominions conferred upon him. He made Sattara, from being a small and insignificant place, a handsome and populous town. He planned and laid out broad streets in every direction. He supplied the want of water by an aqueduct, brought from the neighbouring hills, a distance of two miles ; and with so much skill, that a well-known civil engineer in this country, who saw and examined the work while in progress, declared that he was perfectly astonished at the science which had been displayed in every part of its construction, whether as to the knowledge of hydraulics, or the ingenuity in discovering and leading to the main trunk the several small streams of water which were conducted into it; and he even carried with him the *recipe* for forming the cement which was used in laying the pipes. The Raja also laid out considerable sums in the formation of roads and bridges, and set aside other large sums, annually, out of his revenues, for that purpose.

Such was the Raja of Sattara, as he appeared every day in the eyes of the men appointed to watch his conduct. From year to year he received the lavish praises of the Bombay Government, and from year to year he was complimented by the authorities at home upon the wisdom and beneficence of his sway. At last, in the latter end of the year 1835, seventeen years from the date of his elevation to the throne, sixteen from the signing of the treaty, and fourteen from the period when he assumed the entire management of the affairs of his kingdom, the Court of Directors, desirous of bestowing upon him the highest and most gratifying mark of their admiration and respect, resolved that he should be presented with a sword, and at the same time with a suitable letter. In the letter, which received the signature of every one of the twenty-four Directors, they complimented the Raja upon the exemplary fulfilment of the duties of his elevated situation; they declared that the whole course of his conduct reflected the highest credit on his character—that he had won their unqualified approbation—that his liberality in executing, at his own cost, various public works of great utility, had justly raised his reputation in the eyes of the princes and people of India; and that, therefore, they had sent him a present of a sword, in testimony of their admiration and high esteem. Such was the Raja of Sattara in 1835. The sword and letter went out in 1836,

but never reached the Prince. Before they arrived, he had incurred the displeasure of the Bombay Government, and engines were already at work to effect his ruin. Unhappily, they succeeded, and this exemplary Prince is now—the ex-Raja of Sattara. We proceed to sketch the story of his downfall—a story reflecting the deepest and most indelible disgrace upon all the parties concerned in effecting it.

The treaty which placed the Raja on the throne, secured to him the absolute sovereignty over certain estates, or jagheers, as they are in India called, which, on the death of their then occupants, were to lapse to the Raja of Sattara. It may be proper to observe, that it is the practice in India to reward services rendered to the State, by the bestowment of jagheers, or certain portions of territory, over which the parties to be rewarded are empowered, during their lives, to collect the revenue. These jagheers stand in the place of pensions. The sovereignty over several such jagheers was secured to the Raja of Sattara, by the same treaty which placed him on the throne. If any power was competent to deprive him of these jagheers, the same power was competent to take from him his entire dominion. It became a matter of the utmost importance, therefore, that the Raja should assert his right in this matter, and claim the fulfilment of the treaty. He did so, and was evaded. He offered to submit the point in dispute to Mr. Elphinstone, the framer of the treaty, then in England, and gave his word that he would abide by Mr. Elphinstone's decision, whatever it might be. This was never done. He prayed that the matter might be referred home, for the opinion of the Court of Directors. This was done. The decision of the Court was in his favour; but that decision was concealed from him by Sir Robert Grant. The disagreement about the jagheers took place in 1832 and 1833. After a promise of the Bombay Government that the subject should be again submitted to the Court of Directors, the Raja rested for some time contented; but, at the end of a year, he discovered that he had been deceived—that no reference of his case had been made to the home authorities. He was displeased—he lost his confidence in the Bombay Government—he became disquieted in his mind, and declared he could not take his food, so deeply had the conduct of the local authorities affected him. He announced his intention of sending an agent to this country to represent his case, and to claim the fulfilment of the treaty. This openly

avowed intention of appeal, the Bombay Government construed into an infraction of the treaty, and, still more, into an insult to themselves; and they retaliated, by rejecting the Raja's customary annual present and letter, thus breaking off all amicable relations with him. They also withheld the sword and the Directors' letter. Let it be here observed, that these alleged infractions of the treaty on the part of the Company, in the matter of the jagheers, are now admitted. Mr. Elphinstone, who was always at hand to be appealed to, and whose word would have settled the point at once, has never been appealed to. Lord Clare, the Governor of Bombay at the time of the dispute, and who was at first inclined to sanction the resumption of the jagheers, has since confessed that he was wrong, and the Raja right. The treaty has been again and again produced in the presence of the Directors; and the three successive Residents at the Raja's Court, Generals Robertson, Briggs, and Lodwick, have all declared their unqualified opinion in favour of the entire justice of the Raja's claims. His right to appeal to the home authorities, by means of Vakeels or native agents, has never been disputed in open Court. The right is undoubted; but it suited the purpose of the wholesale violators of treaties in India, to pervert a respectful application to the superior authorities in England, into a breach of treaty.

The loss of the favour and good opinion of the Bombay Government, was the signal for the rising of a host of enemies of the Raja, who found the local authorities but too willing to listen to every accusation they could invent.

The first charge, gravely preferred against him, was that of seeking to corrupt two native officers in the service of the British Government. The throne of the Raja, who is a *Mahratta*, had been raised upon the ruin of the Peshwa, who was a *Brahmin*. The Raja had been guided for years by a policy, which led him to adopt every legitimate means of destroying the influence of the Brahmins, and of raising the intellectual standard and political importance of the Mahrattas. He had, despite all opposition and all denunciation, prosecuted the work of educating the mass of the people; and he had filled up the measure of his offences, in the eyes of the Hindoo priests, by refusing to appoint to the office of prime minister a talented Brahmin, who, from the commencement of his reign, had aspired to that high situation. He had,



therefore, many powerful, malignant, and unscrupulous foes, who, though awed and held in fear during the period that the Raja was the favoured child of the Bombay Government, took immediate advantage of his quarrel with the British authorities, and determined to make it subserve the ends of their baffled ambition, their deep hatred, and their inextinguishable revenge. Accordingly, Untajee (one of the most profligate of Brahmins) accused the Raja of tampering with the allegiance of two of the native officers, or soobadars. This charge was first gone into before a Commission sent up to Sattara, to try the Raja at his own capital, but behind his back. The Commission consisted of one of the Secretaries of the Bombay Government, a Colonel in the British army, and the Resident at the Raja's Court, General Lodwick. The last-named gentleman was appointed the president of the Commission, and has since declared, that the originator of the plot avowed himself actuated by revenge, and to be unworthy of belief; that while looking about for the means of revenging himself upon the Raja, Heaven threw these soobadars in his way. He said, too, that one of these soobadars declared, that, to promote the plot, he took an oath which he had no intention to keep; and General Lodwick also openly stated that the Commissioners, with whom he was associated, would not allow these crimiators of the Raja to be cross-examined; although their oral testimony was in many important particulars irreconcilable with their previous depositions.

A *second* charge was brought forward—that of conspiring with Don Manoel de Portugal, the Viceroy of a petty, poverty-stricken, powerless Portuguese settlement, on the southern confines of the Sattara territory, some two hundred miles below Bombay; a conspiracy to raise 30,000 troops in Europe, bring them to India, and, with this splendid army, to drive the English for ever out of Hindostan! The witnesses brought forward to support this monstrous, wicked, and contemptibly ridiculous charge were almost to a man Brahmins. Several among them were gang robbers, whom the Bombay Government pardoned. The evidence obtained of a written character, consisted of a bundle of Mahratta and Portuguese letters, found in pawn with an indigent inhabitant of an obscure village in the Goa territory, and purported to have belonged to two Brahmins, who had died ten months before, and are declared to have been the agents of the Raja of Sattara;

but it is admitted that these same persons had for years been in the service of a man who was regarded as the Pope of the Brahmins, known by the name of the Swamee of Sunkeshwur, and a known enemy of the Raja. These documents, which have been pronounced satisfactory evidence of the Raja's guilty intentions, and which, if genuine, might have made their possessors rich for ever, were purchased by the British Government for the astounding sum of £40 sterling. The Portuguese papers thus found, and affirmed to be signed by Don Manoel, have been declared by that nobleman to be utter forgeries, and his alleged correspondence with the Raja a gross fabrication and falsehood. But it will naturally be supposed that the British authorities, both in India and at home, took the earliest opportunity of calling upon our ancient ally, the Portuguese Government, to explain the conduct of the high functionary thus directly implicated in a charge of cherishing, through twelve years, the design of subverting the British power in India. How great will be the surprise of our readers when we tell them that, while pretending to hold the proof of the Viceroy's guilt under his own hand and seal, there has not been, down to this hour, the slightest reference made to the subject in any correspondence between the British Government and the Government of Portugal. We are equally ignorant if there has ever been any correspondence on the subject between any person connected with the executive of the East India Company, and the Viceroy himself. But there has been between that ex-Viceroy and *other* parties. A friend of the Raja proceeded, in April, 1841, to Lisbon, where Don Manoel resides, and fills a high situation in the household of the reigning Queen. He took with him a letter from Mr. Hume, who had expressed his determination to bring the matter before Parliament. Mr. Hume called upon the ex-Viceroy to give full and explicit answers to the questions which he put relative to the crime said to have been by him committed. The high-minded nobleman went before the British consul in Lisbon, and made the following voluntary and solemn declaration :—“ Having received a communication, dated on the 8th instant, from the most illustrious Senhor Joseph Hume, member of the British Parliament, relating to the conspiracy that the Raja of Sattara, at present dethroned, is said to have contrived against the British power in India ; and affirming that I was aware of the said conspiracy ;—I feel it necessary, for the sake of justice and

my honour, to declare that, during 'the whole of the time I governed Portuguese Asia, I never had any correspondence whatsoever, upon political subjects, with the said Raja of Sattara ; and that whatever documents may appear, relating to it, must be considered entirely false."

What is to be thought of the conduct of the British Indian Government in this business ? They have dethroned a virtuous and benignant Prince, upon a charge which they never took the most important preliminary step to substantiate, and at the same time have concealed from the Minister of the British Crown all knowledge of the alleged guilt of a Government in friendly alliance with us. It is not possible to believe that the British Indian authorities, either at home or abroad, ever entertained the most distant idea of the genuineness of the correspondence which they took out of pawn. Anything approaching to a conviction of its authenticity, would have laid them under the most solemn responsibility, as loyal subjects, to bring the whole matter before the Queen's Ministers, that an immediate and rigid inquiry might have been made into the facts of the case. But no. The evidence that was considered abundantly sufficient to warrant the dethronement of the Raja, was known to be too foul, contemptible, and unsubstantial, to be made the subject of a moment's inquiry on the part of those who are sworn to maintain the integrity of her Majesty's dominions, and to bring to justice all, whomsoever they may be, who meditate the dismemberment or ruin of her empire.

The *third* and last charge against the Raja is in perfect keeping with the two I have already exposed. It is set forth that the Raja, with the same design of overthrowing the English, intrigued with the ex-Raja of Nagpore. And who, pray, is he ? Why, at the time, a wretched fugitive ; subsisting on the bounty of the Raja of Joudpore. A dethroned Prince, residing in obscurity, without money and without friends. A state prisoner, inclosed within a court-yard, 20 feet by 12. Yet, with this poor spectre of a pauper Prince, the Raja of Sattara is charged with conspiracy, for the purpose of overthrowing the colossal power of the British in India ; and the overwhelming proof, at once of guilt and danger, is, that the ex-Raja of Nagpore sent the Raja of Sattara a complimentary letter, and that the Raja of Sattara sent the ex-Raja of Nagpore a pair of shoes !

So much for the charges. The overwhelming refutation of these charges, as well as the proof of the guilty part taken in the plot against the Raja by one British officer, will be found in the following pages. Now for the use made of these charges, by men who are citizens of a State, in which the meanest person, accused, of the most petty offence, may not be condemned unheard. Did they call on the Raja for explanation? No. Did they send him copies of the charges brought against him? No. Did they tell him who were his accusers, and confront him with them? No. What, then, did they do? They made up their minds that he was guilty. The evidence was so clear, so satisfactory, so complete, so irresistible, that it would have been a waste of justice to call upon the Raja to rebut it, or even to let him know what it was. What mattered it that he felt himself innocent, if they believed him to be guilty? What need of putting the Raja to the trouble of defending himself when he was already tried, convicted, and condemned? Sir Robert Grant, one of the chief actors in this affair, having died, Sir James Rivett Carnac, at the time a Director, was appointed Governor of Bombay in his place. On reaching India, he drew out certain articles and a preamble, with which he proceeded to Sattara, with a view of winding up the case of the Raja, and, as it has been stated by himself and his friends, with the benevolent design of saving the Prince from the consequences of his infatuation and guilty folly. The preamble to the memorandum, which the Raja was called upon to sign, contained an admission of his guilt. The articles required him to pass an act of oblivion with regard to his accusers—to yield a certain sum from his treasury for the benefit of his worst enemies—and to put away from him the persons in whose fidelity he could alone repose. What reply did this Indian Prince make to such a string of propositions, submitted by a British functionary, with the assurance that, if he agreed to them, he should remain upon the throne, and be restored to the confidence of Government? He made an answer worthy of the brightest hero of ancient or modern times; an answer which places him at a sublime height above the petty persecutors to whose arts he has fallen a victim. His answer shall be given in the words of Sir James Carnac, who has reported at full length his interview with the Raja. Sir James, speaking of his address to the

Raja, an address intended to induce him to agree to the terms of the amnesty, as it has been called, says :—

“When I had concluded, he (the Raja) stated, that he regarded me as his friend and well-wisher ; asserted that the accusations against him originated in the intrigues of his enemies ; that as long as the British Government entertained the idea that he had cherished hostile designs he could agree to nothing, but this idea being removed, he would agree to anything I proposed ; that he would consent to anything, except to abandon his religion, or to acknowledge that he had been our enemy.”

A second and third interview took place with similar results. The Raja persevered in his refusal to subscribe his own guilt, and thus sign away his honour, and put it in the power of the British Government at any time to publish him to the world a self-admitted traitor. He asked to be heard. He offered to lay aside whatever dignity might stand in the way of an ordinary trial, and to place himself before any honest tribunal. He offered to relinquish his person, his government, his kingdom, into the hands of the British, if they would grant him a fair trial. A trial was sternly denied. He was already guilty in the determination of the Bombay authorities, and must submit to declare himself to be, what they had undertaken to make him out to be, whether his conscience accused him or not. But these functionaries had to deal with a man whom they were incapable alike of understanding or appreciating. Perhaps they reasoned that he would do what, in like circumstances, they would have been willing to do. They thought that, if they balanced his nice and fastidious ideas of honour and self-respect against a throne, and the continued protection of the British Government, he would surely yield the former to secure the latter. But such views were far from the mind of this noble man. He said plainly, “Gentlemen, you mistake me altogether. I can relinquish a throne, I can go into exile, I can see my kingdom given to another, or absorbed into your own territory ; but I cannot forfeit the testimony of my conscience ; I can sacrifice everything but my honour !” What was to be done ? It was secretly determined that the Raja should be forthwith deposed. He had already expressed his willingness to remove without a murmur at the bidding of the Governor. Nay, he had said, when with the Governor at the residence of the political agent at

Sattara, "I will stay, if you please, here, in this bungalow, nor ever enter my capital again, till I have established my innocence before an impartial tribunal." Neither force, nor rudeness, therefore, was required. The Governor had but to say, "Depart," and the Raja had passed his word that he would quit his kingdom immediately. But guilt is ever clandestine, timid, and stealthy.

"Thus does Conscience make cowards of us all."

At midnight, when the Raja was in his chamber asleep upon his couch—at midnight, to suit the better the time to the deed, and cover it with darkness, if possible, black as itself—at midnight, did two British officers, instructed by a British Governor, conduct a troop to Sattara, and surround the palace. The Raja was asleep—they arrested him—thrust him naked into a palanquin—placed the Raja and his family under the charge of a British Lieutenant and a company of soldiers, and subsequently ordered the escort to march for Benares, a distance of nearly a thousand miles. While pursuing their way, the pangs of childbirth overtook the wife of Balla Sahib, the Raja's cousin. The anxious husband implored a halt, which was denied. In a few days, Balla Sahib himself was brought to the point of death. A halt was again implored. Again it was denied by this man of fleshless heart; and, at the close of the day, the devoted cousin of the Raja,

"Faithful among the faithless found,"

lay a corpse in his palanquin.

People of England! what think you of acts like these? Too deep your detestation cannot be, at this recital of atrocities, perpetrated in your name, by your own countrymen, upon the distant plains of India, in the eyes of a people whom we have robbed of their country. Give your indignation words. Put it into action. Rouse up at the great call of nature and of justice, and check the deeds of those who are covering you with infamy, by the spoliations and tragedies they are enacting, with the power you have placed in their hands.

Let us leave the lifeless body of Balla Sahib in the jungle, and the Raja in his exile, and return to Sattara. The Raja, out of all his private wealth, carried with him only the jewels which the women of

his household were able, in the hurry of departure, to secure. Immediately upon the abduction of the Raja, his ruthless persecutors made themselves masters of all his papers. But I may here, once for all, observe, that there is not in the possession of the British Government a single document, or fragment of one, in the handwriting of the Raja, affording the slightest evidence of infidelity to the British. How triumphant is this fact! An intriguer for twenty years—a man accustomed to make the most regular minutes of all his transactions, even the most trivial—accused by a Government that had offered liberal rewards, personal indemnity, and honourable distinction, as the premiums for evidence against him—and yet not a solitary atom of proof, under his own hand, of his ever having cherished a thought at variance with his fidelity as a prince, or his honour as a man.

In a very few days after the expulsion of the Raja—while the sighs of a travelling mother, the cries of her new-born babe, and the groans of the expiring husband and father were disturbing the stillness of the jungle—Sattara was the scene of the installation and enthronement of a new Raja. And who is he? Surely, some one more worthy of the throne than the man who has been hurled at midnight from it, and chased into exile. The deponents of the ex-Raja have, surely, found some paragon of perfection, who, by the lustre of his virtues, shall mitigate the “deep damnation” of the deed that has been wrought. Who is he, that is escorted by thousands of British troops to the capital, attended by the Governor and his staff to the palace, and placed, amidst the thundering of cannon, the clangour of trumpets, and the explosion of fireworks, upon the throne of Sivajee, and proclaimed **RAJA OF SATTARA**—the **ALLY** and **FRIEND** of the British Government—the **CHOSEN OBJECT** of confidence and protection—in the place of the dethroned, despoiled, and desolated Pretaub Sing? It is **APPA SANIB**—the abandoned profligate—the companion of courtezans—the corrupt judge—the man who twice plotted the partition of the principality—the Judas Iscariot who betrayed his master—the inhuman brother who sold his mother’s son into the hands of his enemies. He is the man, whom the Governor of Bombay delighteth to honour. He is now the favourite of the East India Company, to whom, doubtless, the sword which has been withheld from the brother, has been presented, with a new and amended edition of the Court’s complimentary letter of 1835.

The Company have also deprived the ex-Raja of all the private property he left behind him, consisting of money and jewels, and other valuables, the savings of the years that he had been upon the throne, amounting to at least half a million sterling. All this has been appropriately handed over to the exemplary Prince who now sways the sceptre. But we pass over many deeply interesting features in this history, that we may describe the conduct of the home authorities. On the news of the Raja's dethronement arriving in this country, a few of the friends of justice, proprietors of East India Stock, signed a requisition for a Special Court for the 12th February, 1840—

“To take into consideration a recommendation to the Court of Directors, and to the Board of Control, to withhold their sanction to the dethronement of his Highness the Raja of Sattara, by the Bombay Government, until a full and fair investigation of the charges preferred against him shall have been made, according to his Highness's earnest and repeated request.”

The Directors, who are, of course, Proprietors, and, in consequence of their extensive patronage, most influential ones, came down, and, instead of following the dictates of delicacy, and leaving the Court to decide for itself, uninfluenced by their votes or dictation, themselves moved, and carried by their own votes, an amendment, that “it is highly inexpedient, and this Court accordingly declines to interfere with its responsible executive, in the affairs of the Raja of Sattara.”

No further movement took place until the 23rd of June, 1841, when further papers were moved for, and after a sharp struggle in the Court of Proprietors, a day was named for the consideration of their contents. That day was the 14th of July. During a debate of five days which followed, the case was fully argued. It has been most truly said, that “the advocates of the Raja went at once into the merits of the question. There was no special pleading—no torturing of words—no twisting of minutes—no mouthing of high names—no begging of the case by quoting mere opinions—(opinions mostly of men deeply compromised;) but there was an appeal to the evidence produced against the Raja, though not printed by the Court of Directors—that evidence was discussed, dissected, put to the test of probability, weighed with living testimony of unimpeachable character; and we fearlessly assert, that the verdict of any twelve honest men would be the verdict



so emphatically pronounced by General Robertson—that, ‘*upon such evidence he would not hang a dog.*’ Yet, upon such evidence, has a Prince—an ornament to his kind—been hurled, unheard, from his throne. A more wicked, disgraceful spectacle of lawless power arrayed against helpless right the world has never beheld.” What was the result? The gentlemen who opened the debate moved for the reconsideration of the Raja’s case by the Court of Directors. Other gentlemen recommended amelioration. The Directors modestly proposed that the Court should pass over again their resolution of the 12th of February, 1840. The original motion was lost by a majority of seventeen—the majority being *all* Directors. On the motion of the Directors being put from the Chair, one experienced Proprietor got his amendment before the Court, which was, however, lost. The rest were jockeyed aside in the most shameless manner, and the Directors carried, *by their own votes*, their own resolution, that there should be no interference with the “responsible Executive.”

There were those who ventured to tell the Honourable, the Court of Directors, that they must not lay “the flattering unction to their souls,” that they had placed the question of the Raja of Sattara at rest. They reminded them, that there were other and higher tribunals before which this cause could be tried. That there was a legitimate appeal to the Imperial Parliament, the source of their power, and that—to Parliament they would go. They reminded them, that we had upon the throne a benignant Queen, who would listen to a petition in behalf of a prostrate Indian Prince, and that—to the footstool of that monarch they would go. They reminded them, finally, that there was a bar, before which even they might be placed on their trial, and, peradventure, be found GUILTY; and, promised them, that no efforts should be wanting, to bring them to that bar, if they should turn a deaf ear to the pleadings of disinterested compassion, and obstinately refuse the demands of outraged justice. They have fulfilled the worst fears. They have resisted evidence, as clear, as cogent, as convincing, as authoritative, as ever was submitted to the judgment and verdict of the human mind. If, in hot haste, or blind ambition, or wounded pride, or partial or entire ignorance of the facts of the case, they drove the Raja from his throne, and chose a supple villain to supply his place;

time, ample time, has been given them, to grow cool and thoughtful—to review and to retrace their steps, and, though late, to do something to redeem themselves, and to save the British name from lasting infamy. If they ever had a doubt respecting the Raja's innocence, that doubt must have been a thousand times removed by the accumulated proof which has been furnished, that the Prince they have trampled upon and exiled has been, from first to last, the victim of one of the foulest conspiracies ever hatched by perjured caitiffs for the ruin of an honest and noble-minded man. From day to day, and from the debate of one year to the debate of another, they have seen the most upright and distinguished of their own servants stand forth to declare, after years of the most intimate knowledge of the Raja, their firm and enlightened conviction of his entire innocence. They saw the other day the evidence, which they had bought in every market where falsehood was exposed to sale, dissected, and demonstrated to be utterly unworthy of notice. It has been again and again proved, that themselves were the violators of the treaty with the Raja, when they cast upon the jagheers a look, like that which Ahab cast upon the vineyard of Naboth the Jezreelite, and felt like him, when the possessor said, "I will not give thee the inheritance of my fathers." Yet have they decreed, that there shall be no justice done. The man is proved to be *innocent*, but they abide by the award they made, in the day they declared him to be *guilty*. It is upon record that the sentence under which the Raja lies, was not pronounced or inflicted because he was guilty, but for the act—the thrice noble, the ennobling act of declining to keep his throne at the expense of his honour.

What now remains, but that the lovers of justice out of doors should espouse the cause of helpless innocence, now enduring the unjust sentence of unrelenting power? This, we believe, will be done. To you, the people of England, is the appeal made. Send this cause for trial to that assembly where your representatives sit, under the solemn obligation to restrain the abuse of the power they have, by act of Parliament, delegated. Demand, through them, an impartial investigation of the merits of this case. There are witnesses at hand, who have not yet appeared, whose testimony will carry confusion into

the camp of the adversaries of the Raja. Let the Raja have a fair trial. Vindicate the tarnished honour of the British name; and prove to the world that, though the acts of the East India Company may be cruel, the heart of the British people is just.

*London, October 24, 1815.*



C A S E  
OF  
THE DEPOSED RAJA OF SATTARA.

---

EAST INDIA HOUSE.

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A SPECIAL General Court of Proprietors of East India Stock was held at the Company's House in Leadenhall-street, on Friday, August 22, 1845. At twelve o'clock precisely, the chair was taken by Sir HENRY WILLOCK, K.L.S., the Chairman of the Court of Directors. The announcement of the debate had attracted a large number of spectators, among whom were many ladies.

The Clerk read the requisition in accordance with which the Special Court had been convened. It was as follows:—

“ To the Honourable the Chairman and the Directors of the East India Company.

“ Honourable Sirs,

“ We the undersigned, Proprietors of Stock duly qualified according to law, request that you will convene a Special General Court of East India Proprietors, at the earliest period, to take into consideration the Papers

relating to the Case of the Raja of Sattara, Ordered by the House of Commons to be printed, 4th July, 1845, No. 449.

“ We are,  
 “ Honourable Sirs,  
 “ Your obedient Servants,

GEO. THOMPSON.

JOHN SULLIVAN.

RUNGOO BAPOJEE.

CHARLES FORBES.

HARFORD JONES BRYDGES.

JOSEPH HUME.

CHARLES GRANT.

JOHN BRIGGS.

A. J. LEWIS.

STEPHEN GASELEE.

JAMES STEWART FORBES.

“ *London, August the 11th, 1845.*”

Mr. GEORGE THOMPSON.—It devolves upon me to open the important proceedings of this day. My introduction on the occasion shall be a letter from a venerable and excellent member of this body, Sir Harford Jones Brydges. It is addressed to the Proprietors now assembled. As I have the pleasure of seeing amongst us to-day those whom, without disparagement, we may suppose are not quite as familiar with the dead languages as with their own mother tongue, I shall put the Latin quotations into English. This letter, whether we consider the advice it contains, or the age, rank, or virtue of its author, is equally worthy of our consideration. It is as follows:—

“ Brother Proprietors,—It is no common affair that has occasioned your meeting this day.—It is no less than that one of the Princes of India, the Raja of Sattara, has been deposed, *degraded, exiled, and plundered* even of his private property—by whom? by certain of your servants in India,—the first and most commonly acknowledged principles of British Law and Justice set at nought; and these evil proceedings not only approved, but applauded, by those who call God to help them as they act according to the best of their honest judgment. It is possible they may have so acted; and if such be the case, it is quite incumbent on you, on the very first opportunity, to relieve them of a charge for the proper execution of which they are so totally unfit.

“ It has become necessary also you should prove to Colonel Ovans that the Court of Proprietors have not only the power, but that it is part of their

duty to inquire into, and to pass judgment on the acts of their servants when in office in India, and to punish and even dismiss, through the Court of Directors, such servants whose acts are manifestly either imbecile or dishonest.

“ There are few truths less impeachable than that the Proprietors of India Stock are the only tangible representation of the *English East India Company*, the Court of Directors are their *elected executive servants*, and neither can, nor ought to hold office longer than *quamdiu se bene gesserint*; (they shall conduct themselves properly.) Well has Goldsmith said of the peasantry of this country, which will bear being parodied to your brother proprietors,

“ ‘ Princes and lords may flourish or may fade,  
A breath can make them as a breath has made;  
But bold proprietors, th’ Indian’s hope and pride,  
If once destroy’d can never be supplied.’

“ And let me recommend to the serious consideration of these Aristocratical Officials the following words, which appeared in the *Times Newspaper*, of August 1, 1841, and which I am thankful to Mr. Poynder, for having preserved in his excellent *Literary Extracts*.

“ ‘ Our Government has been an improving government on that of the Mahommedan or Rajahpout Government of India, or it would not have risen. *It must be an improvement on itself, or it will fall.* If we fear not God, it behoves us to regard man.’

“ I am not quite satisfied that the cause of the Raja has been bettered by the quantity of declamation which has been used in debating it. The pith and marrow of what the Raja claims may be contained in a nutshell. Has the guilt of this Prince been proved before a tribunal, constituted according to the rules of English jurisprudence? Has this prince had such a measure of justice dealt to him as neither the Queen would dare to refuse, nor her Chief Justice dare to impede the humblest of her subjects from claiming. I admire the justness and acuteness displayed a few days ago, in private conversation, by my excellent friend Mr. Sullivan: ‘ he did not want so much to defend the Raja, as to insist he should be heard in his own defence, and if guilty, that his guilt should be established by a fair, open, and honest trial.’ Stick to this, brother Proprietors, it is—“ *In hoc signo vinces*”—(in this sign we shall conquer.)

“ Your obedient and faithful servant,

“ HARFORD JONES BRIDGES.

“ *Boultonbrooke, August 16, 1845.*”

Since I last had the honour of addressing this Court, certain papers have been laid upon the table of the House of Commons, and ordered to be printed. I hold these papers in my hand. They are the papers referred to in the requisition which has led to the holding of this special Court. These papers have already been considered in Parliament. The debate upon them took place on the 22nd of last month, and lasted for five hours. On the appearance of these papers, and especially after the discussion of them in the Legislature, it seemed to the requisitionists desirable and necessary that they should, without delay, be brought before this body. It seemed proper to afford the Directors an opportunity of explaining the course they had adopted, or purposed to adopt, in consequence of the extraordinary revelations which those papers contained, that so the proprietors might support the executive if they had done, or intended to do right; and if, on the contrary, they had joined with others to stifle inquiry, to neglect their duty, to shield criminality, to pervert justice, and to prostitute power, that then they, as the servants of this body, should be dealt with as they deserved. It appeared to the requisitionists that there were other reasons also for the immediate discussion of these papers. They bear directly, and in a most important manner, upon the case of the deposed Raja of Sattara. They throw much new light upon the conspiracy by which he has been ruined. They support many of the statements and opinions which have been advanced in this place by the defenders of the Raja. To some who are here, these papers, taken by themselves, are held to be amply sufficient to extort from every man not utterly lost to all sense of what is just and upright, an admission that the whole of the evidence on which the Raja has been dethroned, is of a suspicious character; and that the man who has been despoiled of kingdom, character, liberty, and private property, and driven into exile, should immediately be afforded the opportunity of examining the charges against him, and of sifting the *ex-parte* evidence given in their support. Again, these papers contain grave charges against a confidential agent of Lieutenant-Colonel Ovans. This individual is a Brahmin, of the name of Ballajee Punt Nathoo—a man of much talent, who has for nearly thirty years been inti-



mately connected with the affairs of Sattara—who by many has long been considered as the chief concoctor of the plots against the ex-Raja, and who is now accused of having made the downfall of that prince “subservient to his own aggrandizement;” and of having practised, to a most guilty extent, the crimes of subornation, bribery, extortion, and perjury. The history of this man is soon told. During the Mahratta war, he was the intelligencer of the British Government; that is to say, that, though a Brahmin and a Mahratta, and the subject of the Peishwa’s government, he did all in his power to bring about the ruin of the Mahratta empire, and contributed in no inconsiderable degree to enable the British to circumvent, and ultimately to overthrow Bajee Rao. When the English became masters in the Deccan, Ballajee Punt was able to afford much information to Mr. Elphinstone, in the course of his labours as the Commissioner for the settlement of the country. I will not stop to characterize the moral quality of the acts which recommended this Brahmin to the favour of the British Government. Suffice it to say, that they were so valuable, in a political point of view, that his new masters rewarded him with a pension and an estate; and that, during the early part of Captain Grant Duff’s administration of the affairs of Sattara, he was the agent and adviser of that officer. He was no favourite of the Raja’s, however, and was both disappointed and incensed at not being made the minister of that prince. The Raja reasoned justly, “The man who has betrayed one master may turn traitor to another; he shall never, therefore, be a minister of mine.” The charges preferred against this man are of great importance in the discussion of the Raja’s case, because they go to prove that Ballajee Punt has sought, and thus far gained, his own personal objects, through the impeachment and ruin of the Raja. It is for that reason, chiefly, that they are brought under your notice. Again, these papers contain grave charges against Lieutenant-Colonel Ovans—for thirty-three years an officer in the service of this Company, and more than seven years political agent at the court of Sattara—having previously been one of those who took evidence against the Raja in 1836, and pronounced him guilty. To Colonel Ovans, as we all know, the ex-Raja, whether justly or unjustly, owes his dethronement. For eight long

years he was the unwearied prosecutor of the Raja—pursuing him even into his banishment—and by means almost unprecedented in the annals of political warfare, seeking his utter destruction. This man is now charged, *by one of his own witnesses*, with the grossest personal corruption; with taking bribes and presents from the traitorous brother of the exiled prince—the man whom he placed upon the throne. He is charged, by an accomplice, with being a confederate with Ballajee Punt, in the commission of every kind of extortion. In fact, so serious, so overwhelming are the charges, and, until the evidence they rest on is examined and overthrown, so strong is the proffered proof of his guilt, that, until he meets his accuser before an impartial tribunal, and demonstrates his innocence, he must, however really guiltless, remain under the most oppressive load of odium. If guilty, and if his friends continue strong enough to prevent investigation, he may escape punishment; but can never regain his reputation. Again, these papers bring to light a course of conduct, on the part of the Bombay government, of the most extraordinary and revolting character. No additional evidence is wanted on this subject, as the printed official records speak for themselves, and supply the most conclusive proof. In our own country, we have seen a nation's indignation excited by the exposure of a practice of opening letters at the Post-office. We have also seen a prime minister compelled to accept the resignation of persons in Government employ, accused of offences which, in comparison with those charged against Colonel Ovans and Ballajee Punt, are venial.

Mr. Serjeant GASELEE.—No, no.

Mr. THOMPSON.—I speak, of course, of the moral character of these acts respectively, and am by no means justifying or extenuating the conduct of the servants of the Crown. Colonel Ovans—a well-paid officer of this Company—in receipt, too, of an addition to his salary of 500 rupees a month, in consideration of his industry and zeal in the work of dethroning the ex-Raja (part of which allowance is paid by the new Raja) is accused of taking 1500 rupees a month from the present Raja, under pretence of retaining his wife's father in this country as an agent to prevent the success of the efforts making to obtain justice for the deposed prince. He is also

accused of receiving, at one time, 50,000 rupces, or 5,000*l.* sterling, in bullion and Venetian necklaces. These charges, preferred against a person filling the situation of Colonel Ovans, and in his peculiar circumstances, are charges which, in whatever light they be regarded, are infinitely more serious than those which have so recently received the attention of the Parliament and Government of this country. (Hear.) Far be it from us to say that these charges are true. No evidence has yet been taken. But here they are before us. More than a year has elapsed since the accuser placed himself within British jurisdiction—gave in the names of his witnesses—and bound himself, under heavy penalties, to make good his accusations. More than a year has elapsed since a British judge took all the steps necessary to bring about a thorough and impartial investigation, and having done so, wrote to his Government to say that he deemed the case too important to be passed over, and that he only waited for an order to commence a full inquiry. Colonel Ovans had the most ample means of rebutting the charges, if false; and in the event of doing so, summary and inevitable punishment awaited both the accuser and his security—punishment amounting to absolute ruin. Colonel Ovans has not met these charges, save by a simple denial of their truth; he has not demanded an inquiry; he has not adduced the contradiction of the parties named as witnesses; he has shrunk from appearing in this court; he has abandoned his long-vaunted resolution of meeting in a court of justice other charges brought against him; the consequence, therefore, must be, that, while matters remain as they are, however his friends may proclaim their conviction of his innocence, he will never be able to hold up his head in society. Innocent he may be—innocent I trust he is; but he must vindicate his innocence by demanding a rigorous scrutiny into his conduct, or the world will draw inferences from his silence and his pusillanimity, fatal to his character as a man and a British officer. There is not, I would fain hope, another officer holding a commission in the Queen's or the Company's service, of so mean a spirit as not to demand a searching investigation into charges so deeply affecting his honour as a gentleman, and his integrity as a man. The conduct of Colonel Ovans, in reference

to these latter charges, is in keeping with his conduct at the last court. He was then pleased to write a letter to the Secretary of the Court of Directors—a private letter, addressed to “My dear Melvill”—in which he disputed the right of this court to examine and try him for acts done in his official capacity. From this place I tell Colonel Ovans, that his letter was an insult to the body whose servant he is. I tell him that every charter ever granted to this Company expressly empowers me, and every proprietor of stock, to inquire into, and try the acts of our own servants; and if, in the opinion of the majority, they have offended, we have the power to censure, degrade, or dismiss. This power extends also to those who sit behind that bar, the whole of whom may be ejected from their seats by this body, if deemed incompetent or unworthy to fill their present situations. Let us hear no more, then, of our servants not being amenable to us; and let us pluck up spirit enough to rebuke the insolence of those who, while they eat our bread, set our authority at defiance. I have already mentioned another reason for bringing these papers under the consideration of this court,—namely, that they have been lately the subject of a debate in the House of Commons; and as what passes in that House on Indian matters has ever been regarded as entitled to the consideration of this body, I trust I shall not be considered indecorous if, after the proceedings of that House in regard to these papers have been a month before the world, I make them the subject of free animadversion here. In fact, whatever, may be the forms and fictions of that House, it is the undoubted right of the people of this country to know what is said by those who represent them. On the occasion to which I refer, the Deputy Chairman of the Court of Directors spoke, and was listened to, as the organ of this body, and as the exponent of our views and feelings on this question. Now, as that gentleman neither represented me, nor the great majority of those who have delivered their opinions in this house; and as I am prepared to prove that every important statement which he made was false, in fact—

Mr. MARRIOTT.—I rise to order. What right has the honourable proprietor to call the statements of a member of this court false?

Mr. THOMPSON.—I do not use the word in any offensive sense. (Cries of oh, oh, and hear.) Honourable proprietors seem anxious that I should not explain. They accuse me of being out of order, and will not let me qualify my meaning. I say false, in fact; I impute not wilful falsehood, but deliberately say, that every important statement made by the honourable deputy was at variance with the real facts, as brought out in these papers. This I am prepared to prove, and do here pledge myself to prove. I will venture to tell the honourable deputy, that he dare not make the speech here, which he is reported to have made in the House of Commons. He dare not do this, because the volumes of evidence before us, which, happily for the cause of truth, many in this court know how to use, would supply a direct and perfect contradiction to all his statements. (Hear, hear.) Those who have signed the requisition, and who see their arguments, their facts, their efforts, and even their motives, most grossly misrepresented in the speech of that gentleman, deem it due to themselves to repudiate that speech, and to declare that it was calculated to produce an impression, the very opposite of that which a statement of the real case must produce upon the mind of every honest man. We wish to know, too, how many of the directors are prepared to say that Mr. Hogg acted as their organ in the House of Commons; and how many of them will have the courage to come forward and support the speech to which I have referred.

I will now state, generally, the contents of the printed papers I hold in my hand.—I will examine the character of the man whose petitions to the Bombay Government, to Mr. Warden, and to this court, are contained in them.—I will then look at the nature of the charge which this petitioner has brought against Colonel Ovans and Ballajee Punt Nathoo. I will place before you the proofs tendered by him in support of those charges. I will give you the answers of the accused, and the decisions of the Bombay Government upon the case; and I will finally call upon you to deliberate upon the course which, under all the circumstances, you are required to adopt, in justice to the petitioner, to the individuals whose characters he has impugned, and to yourselves as a court of review, sitting in judgment upon the acts of your servants, and the decisions of one of the governments of India. The papers are a Return to an order of the

honourable the House of Commons, dated 10 June, 1845; for copies “of all correspondence between J. Warden, Esq., agent for Sirdars in the Deccan, and Lieutenant-Colonel C. Ovans, late resident at Sattara, and the Government of Bombay, relating to certain charges preferred against Ballajee Narrain Nathoo, of Sattara, by Krushnajeew Sadasew Bhidey, formerly of Sattara, and now of Bombay. Of all petitions and correspondence addressed to the Government of Bombay by Krushnajeew Sadasew Bhidey, with the minutes of the Government thereupon, and the answers returned to the same. Of all correspondence between the Bombay Government and the Court of Directors of the East India Company, on the subject to which the above papers relate.”

These papers refer mainly to the contents of nine petitions, written by one individual. Seven of these are addressed to the Governor in Council of Bombay—one of them is to Mr. John Warden, a British judge at Poonah, within the Bombay presidency, and Agent for the Adjustment of Claims upon Sirdars in the Deccan—and one of them is a petition to the Court of Directors. The writer is a Brahmin, of the name of Krushnajeew Sadasew Bhidey, by profession a carcoon, or writer—and is the man who is now on all hands admitted to be the writer of the petition known by the name of the petition of Girjabae the mother of Govind Rao, the Dewan, or minister of the deposed Raja of Sattara. I believe I am the person who first brought the name of this individual before the Court of Proprietors. It was on the occasion of a debate in the month of July, 1842, and I did so for the purpose of showing that the Government of Bombay had been imposed upon, in reference to the authorship of the petition called Girjabae’s, and that Colonel Ovans had for eleven months withheld from his government the proofs which were in his possession, of the utter falsehood of the information he had previously supplied—proofs which, in his own words, “were conclusive and satisfactory.” When I first disclosed these facts, and brought this charge against Colonel Ovans, I was subjected to a series of obstructions from the Chair, and of indecent interruptions on the part of some of the directors, and many of their supporters, which, I am happy to say, have never been repeated—and I hope never will. (Hear, hear.) My information was at that time drawn

from the manuscript papers laid before Parliament. Since that period, the printed papers which have appeared, have demonstrated the entire and absolute accuracy of every assertion which I then made, in reference to this part of the subject. My charge against Colonel Ovans, which I took special care should come to his knowledge, led that person to prefer a request to the Court of Directors, that they would instruct their law officers to institute a prosecution against me for the utterance of an atrocious libel. This request was warmly seconded by the Bombay Government. Having waited three years for this prosecution—having afforded the directors, and Colonel Ovans every opportunity of bringing an action against me—either in this country or in India—having repeated and reiterated my charge—having invited Colonel Ovans to meet me in this court—having, in fact, done all in my power to bring about a judicial inquiry into the accusation I have preferred, I may, without being suspected of a desire to shrink from a prosecution, speak of the request of Colonel Ovans, and of the recommendation of the Bombay Government as they deserve. How, then, stands the case? Colonel Ovans, a servant of the East India Company, reads in the *Sun* newspaper, a speech delivered by me in this court. He there finds himself accused of keeping back from his Government most important information which had reached his hands, while officially employed under that Government—information which he had been specially and repeatedly charged to supply, if it came within his reach. What does he do? He furnishes under his own seal the proof of the accuracy of the charge, and at the same time asks, that the person who has preferred it be prosecuted for libel—and by whom? By the solicitor and standing counsel of the very body of which the accuser is a member, and of which Colonel Ovans is the servant! The first thing that strikes the mind in looking at this affair, is the supreme insolence of Colonel Ovans, in calling in question my right, as a member of this body, to look into the conduct of one of its own officers. The next thing is, the pitiable ignorance of the man, in supposing that the law officers, who are paid by this company, are retained to prosecute their own employers; and that we, who are their clients, are to send them into court to get a verdict against ourselves as atrocious libellers. But what

makes the whole affair still more ridiculous, is, that the arrogance, the stupidity, and the insolence of Colonel Ovans, are all warmly seconded by the Governor of Bombay, Sir George Arthur, and his colleague in the council, Mr. Anderson. Were ever folly and infatuation carried so far before? The directors appear to have been better advised; and Colonel Ovans, since he found out his mistake, seems to have been as deficient in courage, as before he was in wisdom, and to have thought that the better part of valour was discretion. I cannot find, however, that the directors have ever said a word in condemnation, either of the foolishness, or the impudence of the request sent them to prosecute one of their constituents for having dared to bring a charge against a servant of this company, and for having aggravated his offence by proving that charge to be true. I know what they ought to have done. They ought to have told Sir George Arthur, what I now tell him, that he is unfit to be the Governor of Bombay, while he so strangely misunderstands the duties which the law-advisers of this company have to perform. Mr. Loftus Wigram would surely laugh to scorn an instruction to prosecute a member of this court, for an act done in the discharge of his solemn duty. As well might a servant of the Crown, abroad, and a petty governor, write home to request the Cabinet of the Queen to instruct the Attorney-General to prosecute a member of the Imperial Legislature, for standing up in his place, and exposing a piece of official delinquency, committed by the petitioners themselves. I have already said that Colonel Ovans has himself proved the truth of the charge I made against him in 1842, and I give him and the directors notice, that until that charge is met, or Colonel Ovans is disposed of as he merits, I will not cease to bring it forward again and again, both here and everywhere else, where an opportunity is afforded me of exposing, with effect, so criminal an act on the part of a servant of this company. All here are aware that, to this hour, Colonel Ovans has made no reply to this charge; neither has any explanation been offered by any other person, save the contemptible one which was volunteered at our last meeting by a gentleman near me. In the course of my remarks, I shall show you the importance of the evidence which Colonel Ovans concealed. I shall show you, that while it was in his desk, Sir Robert Grant



was writing Minutes, founded upon facts, which the evidence in Colonel Ovans's possession has subsequently proved to be false. I shall show you, that by this embezzlement of evidence, the authorities both in India and England were deceived, and that until July, 1842, when I produced the deposition of Krushnajeel in this place, every one of us had been deceived in regard to the history of the most important document connected with the case of the Raja of Sattara. When I consider that the character, the liberty, and the fortunes of a large number of persons were all sacrificed in consequence of this act, and that the Raja was eventually dethroned upon *ex parte* evidence which Colonel Ovans had the means of proving to be utterly false, I cannot but conclude that a crime of the most heinous nature was committed—a crime against truth, humanity, and justice. My right hand shall forget its cunning, and my tongue cleave to the roof of my mouth, ere I will cease to denounce this act of atrocious cruelty and injustice. The history of this dark transaction is necessary, in order to the right understanding of the papers now before us.

On the 6th of March, 1837—so say the records of the Bombay Government—a packet was received through the post, addressed to the Governor in Council. Its contents consisted of a petition, purporting to emanate from a lady of rank, the mother of the Raja's Dewan, who had been arrested on a charge of conspiring with his highness for treasonable purposes, entertained against the British Government. The document bore date the 13th of December, 1836, and professed to be a revelation of a guilty and bloody-minded plot, into which the Raja and twelve other persons had entered, for the destruction of the British, and the overthrow of their power in India. At the time it is stated to have been received, General Lodwick was the Resident at Sattara. Its existence was concealed from him—Sir Robert Grant being at the time engaged in the most disgraceful and degrading stratagems, to effect the removal of that just-minded officer. At last, General Lodwick was ousted from his post. The history of this shameful proceeding will form part of my case at the next Court. Colonel Ovans was appointed on the 6th of June, and went from Bombay to Poonah, to receive his instructions, public and private, from

Sir Robert Grant. When there, he was placed in communication with Ballajee Punt Nathoo, who accompanied the new Resident to Sattara; and ever, afterwards, acted the part of his familiar. For a knowledge of the nature of the private interviews at Poonah, between the Governor, the Resident, and the Brahmin, we must await the disclosures of the great day, when the secrets of all hearts will be revealed. On the 13th of June, Colonel Ovans received his written instructions, and as these expressly, and most emphatically, refer to the pretended petition of Girjabae, I shall lay a portion of them before you. The Secretary to Government says:—

“7. *I am now instructed to call your particular attention to the inclosed original letter, purporting to have been addressed to Government by Girjabae, the mother of Govind Rao Dewan, at present a state prisoner at Poonah.*

“8. This letter is dated the 13th of December, 1836, but was not received by Government until the 6th of March last. It contains information of the most important nature connected with the designs of his Highness the Raja against the British Government, and names various persons in his confidence, who, according to the writer, participated in those designs.

“9. The first step to be taken is, to *authenticate this document*. The mode of doing this must be left to your judgment and discretion. You may either seek a private interview *with the writer*, and examine her for that purpose, or you may, in the first instance, employ some person in whom you can repose full confidence to communicate with her on the subject.”

With these instructions Colonel Ovans arrived at Sattara on the 15th of June, and entered upon his duties the following day. What was THE FIRST ACT OF COLONEL OVANS in Sattara? Hear it, you, who are never weary in trumpeting the praises of this man—you, who think he deserves boundless thanks, and are now screening him from the effects of an inquiry into the charges of Krushnajee. His first act was THE SUBORNATION OF EVIDENCE. Here is the proof, gainsay it if you can. Read the letter of Captain Durack, on p. 641 of the printed papers, and the depositions and documents accompanying that letter. You will there find, that for some time before the arrival of Colonel Ovans, a villain of the name of Bhow Lely, whose crimes I shall hereafter

have occasion more fully to disclose, had been offering to Lieutenant Horne, (see his letter, p. 613,) to procure some treasonable papers with the seal of the Raja, upon condition of being handsomely rewarded. This infamous proposition Lieutenant Horne communicated to Captain Durack, who, on the arrival of Colonel Ovans, immediately told that officer, who—will it be believed?—without knowing the man who had thus proffered to sell his master—without making a single inquiry—intent only upon the accomplishment of that for which General Lodwick had been declared unfit, gave instant “authority” to Captain Durack “to advance the sum of 200 rupees, to pay the expenses of Bhow Lely’s trip to the place where the papers were said to be, also to pass a note to the effect, that he (Bhow Lely) would be AFTERWARDS REWARDED ACCORDING TO THE SERVICES HE PERFORMED.” Such was the commencement of the iniquitous career of this British officer at Sattara. We are also informed by Captain Durack, that when that officer reported, that Bhow Lely had not redeemed the promise made by him, when the money was paid, he was told by Colonel Ovans to give him *another trial*, as he might yet be useful to the Government. The proof of this transaction rests, not alone on the evidence of natives, but upon the testimony of two British officers, and the admission of Colonel Ovans himself; and here we have letters, receipts, and promises, all demonstrating the committal of one of the most cruel and nefarious acts. Let it then be kept in mind, that the first act of Colonel Ovans, as Resident at Sattara, was the subornation of Bhow Lely, by the payment of 200 rupees, and the promise of a future reward, proportionate to the value of his services—an act disgraceful to Colonel Ovans, as a man, and an Englishman; and infamous as the act of a British officer, and the professed adviser of the Raja. On the 24th of September, I will give you such evidence on this subject, as would lead any court of justice in the world to return a verdict of guilty.

To return to the letter of instructions, and the petition of Girjabae. On the 24th of June—one week from the commencement of his duties—Colonel Ovans wrote a letter to the Government, saying, that he was “doing all in his power to discover the writer

of the petition," and in which he dwelt upon his great anxiety in the matter; regarding it as superseding, in importance, every other branch of the inquiry. In the same letter he says:—

"I beg most respectfully to propose that the Dewan (Govind Rao, the son of Girjabace, the alleged author of the petition,) be sent immediately *under guard to Ahmednuggur*, and placed in strict confinement there; that he only be attended by his own servant, and that all other intercourse with him be for the present prohibited.

"It is to be hoped that this measure, if adopted, may serve to show that the rumours of Govind Rao's return are without foundation, and this being felt, his mother and his other friends may be induced to come forward and disclose all they know as the only means of assisting him. But whatever may be the result, the effect of this step should certainly be tried without loss of time."

There is something about this transaction, not only most suspicious, but, as it strikes my mind, most dark and diabolical. Govind Rao was at this time at Poonah, living under mild restraint. This did not satisfy Colonel Ovans. His proximity to Sattara, and his present ability to communicate with his friends, appeared to Colonel Ovans to threaten the fate of the petition, and he must therefore be sent to a distance, and placed in strict and solitary confinement. At this point, I must be permitted to advert to what fell from the honourable the Deputy Chairman, in the course of his speech in the House of Commons. That honourable gentleman stated, that the confession, which we say was *extorted* from Govind Rao, was a voluntary confession—volunteered before a magistrate, wholly unconnected with Sattara; and that the coincidence between the facts stated in that confession, and the evidence taken in Sattara, was so remarkable, as to confirm most fully the truth of the latter. I shall now demonstrate, that in every sense of the word, that confession, so-called, was *extorted*—I will demonstrate still more—that it was a fabrication by others from beginning to end—that it was concocted at Sattara—that Colonel Ovans was the real author of it, and that he despatched a special emissary to Ahmednuggur, to obtain the signature of Govind Rao.

That you may have all the facts, in this most important case,

before you, I will read a passage descriptive of the behaviour of Govind Rao, when he was first informed of the charge against him.

Mr. WEEDING rose to order, and contended that Mr. Thompson was bound to adhere strictly to the papers then under discussion, and could not legitimately introduce the matter to which he had referred.

Mr. LEWIS. I also think that, in this discussion, we should adhere strictly to the topics brought before us by the newly printed papers; but I must, at the same time, say, that the observations of the hon. Proprietor (Mr. Thompson) bear directly, and in a most important manner, upon a very material circumstance, expressly referred to in these papers, namely, the confession of Govind Rao. The mover, as it appears to me, is collecting together the facts which bear upon this essential point, and it is highly necessary, and strictly proper, that he should do so; as it would be quite impossible to place the facts now before us, in an intelligible point of view, without showing their relation to others which have been antecedently stated. I beg, therefore, that he may be permitted to proceed without interruption.

Mr. POYNDER. I must be permitted to state, that I think the observations of Mr. Thompson are so particularly and plainly appropriate to the point, of the papers generally, which in a case like this must be considered *generally*, and not *separately*, that I trust he will receive the sanction of the chair, in proceeding with his address.

Mr. WIGRAM. Sir,—I am sure that neither you, nor any member of the Court of Directors, would wish to place any improper restriction upon Mr. Thompson. It is true we are met for the consideration of the contents of certain papers, and are bound to confine ourselves to what is relevant to them; but still, some latitude must be allowed to the honourable Proprietor in the discussion, as an allusion to former papers may be necessary for the illustration of those now under notice. Having said this, I must also recall to the recollection of the honourable Proprietor the fact, that it has been several times agreed by this body, that it is inexpedient to go again into the general question relating to Sattara.

He will, therefore, I doubt not, see the propriety of confining his observations within as narrow a compass as is compatible with the fair consideration of the papers now brought immediately under our notice.

Mr. THOMPSON. I thank the hon. proprietor who has last spoken for pointing out to me the course which I ought to pursue. I shall make no references to other papers, which are not essential to the right understanding of those before us. In the papers just printed, I find a declaration made by Govind Rao, that the document called his confession was extorted from him. I also find documents intended to prove that it was not extorted. I also find in the public journals a report of a speech in Parliament, made by the Deputy Chairman, upon the subject of these papers, in which the confession of Govind Rao is alluded to, and strongly dwelt upon. It is, therefore, strange that I cannot touch upon the true history of this confession without being called to order by an ever-officious gentleman (Mr. Weeding) who sits near me. If that gentleman, who is so fond of paying compliments to the Chairman on all occasions, would just leave him to judge of the pertinence or otherwise of a speaker's remarks, he would be acting much more consistently with his own Conservative doctrines, and with his frequent eulogiums upon the wisdom and prerogatives of the chair. (Hear, and laughter.) I forgive him, however, since it is probable he does not perceive the bearing of what I say; or, perceiving it, is aware how completely it will destroy the fabric of evidence which he and others have built upon this most rotten foundation.

I shall now return to the passage I was about to read, descriptive of the manner in which Govind Rao received the first intimation of his being suspected by the Government of treasonable designs. You are aware that he was the favourite of the Raja, and was accused by the two sepoys of taking them to the palace of the Raja on the 8th of September, 1836, were they were told by his Highness, that he, the Raja, was in league with other princes to cut the throats of the British, and that they, the sepoys, must help in the bloody work. Well, during the sitting of the secret commission, in the following October, one of the witnesses examined was the native agent of the Resident, whose name was Ballajee Kasee Khibey. This

man, having been duly sworn, deposed as follows—(p. 334 of the Par. Papers):—

“ About twenty-five days ago, I went on business to his Highness’s palace. After talking about Akulcote affairs, his Highness, addressing himself to all present, observed, ‘ I intend to make no change in the existing order of things, and have no idea of entering into any war conspiracy with the Company’s government; people say I send for the mistresses of the officers, and for the sepoy, and conspire with them; I am not, however, such a fool; what advantage would there be in my doing so? my heart is pure.’

“ Again:—Were you present when the Resident called upon his Highness to give up the Dewan?—Yes; I went with the Resident, but remained below. When about to leave, the Resident called me up, and I heard him say to his Highness, ‘ Send me Govind Row Dewan, Appa Mohiteh, the relation of the Raja of Nagpore, and Purushram the perfumer.’ His Highness asked, where was Purushram to be found; and I told him at his shop in the same street, and nearly opposite to the Dewan’s. The Resident then went away, and told his Highness to send the persons in two hours, and ordered me to come with them.

“ What occurred after the Resident’s departure?—His Highness sent for Govind Row Dewan, who was in his palace. I was present when he came. His Highness said, ‘ The Resident has called you, as you are charged with conspiracy with the Company’s sepoy, and the matter is to be inquired into.’ THE DEWAN BEGAN TO LAUGH, AND ALL THE REST OF THE PEOPLE. At this time Purushram was brought by two sepoy, and his Highness asked his name and occupation, and whether he had attempted to seduce the sepoy. He denied it, and *his Highness ordered him to be sent with two sepoy to the Residency.* His Highness asked Govind Row if he had eaten, and he said ‘ No.’ He asked me whether he should be permitted to go home to eat; and I made no objection, and he went. The Raja then returned to his bathing-room, and I went with him and many others. Appa Mohiteh now arrived, and on being told for what he had been sent, he denied all knowledge of what was charged against him. His Highness told me to go with Appa to the Dewan’s house, and take them both to the Residency. When he had finished eating, the Dewan got up, and, with my permission, went alone to take leave of the Raja, and returned in a few minutes.

“ Of what caste is the Dewan, and what salary does he receive from the Raja?—He is of the same caste as myself. He is the person in charge of his

Highness's treasury, and is much employed about the Raja. His Highness is much attached to him. He receives 800 rupees per mensem, and a younger brother 100 rupees from the Maharaj.

“How came you to permit the Dewan to proceed alone to his Highness?—He said it was his Highness's order that he should take leave of him before he went.

“Was the Dewan *at all agitated* when he was first told the cause of his being required at the Residency?—*He did not appear to be at all downcast or alarmed.* [The witness here states that next day he understood from a careoon, named Bugwunt Row, who was present, that when Govind Row went to take leave of his Highness, no private intercourse passed between them, the Dewan merely put his head to the ground and took his leave.]”

You cannot fail to perceive the object I have in view in drawing your attention to this passage in the evidence of the native agent. It is to fix your attention upon the manner of Govind Rao and all present, upon his being informed that he was required by the Resident to answer a charge of treason. You must all admit that it is not consistent with the constitution of human nature that a guilty man could hear of the detection of a plot so criminal as that in which Govind Rao was said to be engaged, and receive the tidings with a fit of laughter.

I would point you also to the conduct of the Raja, and ask you if it was not that of a man perfectly conscious of his own innocence. Instead of hesitating, or refusing to give up the persons applied for, he sends every one of them, even his own favourite minister, without a moment's delay to the British Resident—thereby disappointing all the speculations of Colonel Ovens and the Bombay authorities, who intended to make his refusal the pretext for filling Sattara with British soldiers, and to produce the fact as next to conclusive proof of the guilt of the Raja. I repeat it—the scene described by the agent of the British Resident, is full of convincing evidence that neither the Raja nor his Dewan were implicated in any plot against our Government. Their conduct was that of noble-minded men, conscious of their own innocence and integrity, and willing to face any accuser. (Cheers.) Little did they dream with whom they had to do. Govind Rao was immediately placed in confinement. The prison of this man of rank—arrested on the evidence



of two worthless sepoys, who have since been proved to have been actuated by a malicious motive, and who upon their own admission are convicted of gross perjury—was an empty powder magazine. From this place Govind Rao was, after the commission, removed to Poonah, from whence, on the recommendation of Colonel Ovens, he was sent under a strong military escort to the distant fortress of Ahmednuggur. I will read you a short extract from the Government despatch, approving of the proposition of Colonel Ovens, that you may understand the nature of the degrading and infamous duties that are imposed upon English judges in India. All here know what is the high and independent position of a British judge, and what the duties are which he is called to discharge. Now, listen to the extract I am about to read from the letter of the Chief Secretary at Bombay to Colonel Ovens :—

“ The judge at Ahmednuggur has been further informed that *it is not unlikely the friends of Govind Rao, at Sattarah and Poonah, will endeavour to communicate with him by letter, and, at the same time instructed quietly to adopt measures to intercept any communications of this kind, and forward them to Government.*”

Here, then, we see a British judge called upon to play the detestable part of a mean and paltry spy, and to become the quiet interceptor of the letters of a prisoner placed under his charge. Not only is Govind Rao prohibited all intercourse with any person save his own servant, but his letters are way-laid and forwarded to Government. It is well worthy of notice, that though this wretched system of interception went on throughout the Bombay territory for years, the Government never obtained so much as a fragment of information hinting at any plot or conspiracy against the British Government. I defy the Deputy Chairman and the whole East India Company, with all their myrmidons to boot, to produce one intercepted letter that in the most remote degree refers to any treasonable design on the part of the Raja or any of his authorised servants. This fact alone is a convincing proof of innocence, when we consider that for years the parties were utterly ignorant of the felonious proceedings of the Government, and employed the public mail as their almost invariable mode of conveyance. Did the Deputy

Chairman tell the House of Commons of this hateful practice, and of its utter failure to produce a tittle of evidence against the Raja ? No, he did not. I confess that while I listened to the mass of fictions and fabrications which was uttered in the House of Commons, in the presence of persons who, from their ignorance of this subject, were unable to answer them, I felt that I could willingly have given six months of my life to expose the attempt made to delude the Legislature and to defeat the ends of justice. (Cheers.)

Thus far we have seen that Colonel Ovans assured the Government that he is doing all in his power to discover the writer of the petition. In his next letter, dated the 7th of July, he says that the removal of Govind Rao has had its effect, and that two persons in the confidence of the mother came to him privately by night, on the 5th; that after a good deal of conversation, they agreed to bring the mother with them the next night, and that she came; that the petition was read to her, and that she admitted that its contents were true, but affirmed that she did not know the writer. The "two persons" said to have been with her, whose names are not given, but one of whom turns out to be Sukharam Bullal, her husband's brother, also state that the contents are perfectly true, but that they too, are ignorant of the writer. Such are the contents of the second letter, sent by Colonel Ovans to Bombay. On its receipt by the Governor, Sir Robert Grant, Colonel Ovans is told, in reply, to endeavour to obtain from Girjabae a written statement. He is also told that he need not put the lady to the trouble to visit him again, but that he can depute some person to her, and that she can send her statement back by that agent. Bear in mind that this lady, Girjabae, could not write; and that, therefore, any person might give an unauthorized statement in her name. Nothing but a personal interview, and the verbal attestation of the lady, could authenticate a document purporting to come from her. The Governor also directs, that a similar statement should be taken from the two persons who accompanied her in her visit to Colonel Ovans. In the same despatch, Colonel Ovans is told to find out the writer, and to get a deposition from him. Colonel Ovans, in his next letter, dated July 21st, says, that since the date of his former letter, of the 7th, he has been in constant communication with "the two per-

sons," and that the consequence has been, that one of them, Sukharam Bullal, has brought him a statement from Girjabae, in which she acknowledges that she was the author of the petition—that its contents were arranged by Sukharam Bullal, and that the actual writer of it was a man of the name of Mahdeo Fugery. This pretended deposition of Girjabae is in the handwriting of Sukharam Bullal, and bears the name of no other witness. At the same time, Sukharam hands in a statement from himself, in which he confirms the truth of what is ascribed to Girjabae. Now, turn to page 128 of the printed papers, and you will find another person named as connected with this petition. Sir Robert Grant, in his well-known minute of the 5th of May, 1838, refers to a witness against the Raja, of the name of Vishnoo Kessoo Dewusteley. This man is the brother of Girjabae, and consequently the maternal uncle of Govind Rao. At the time we are now adverting to, he was living under the roof of Girjabae, in Sattara. "This man," says the Governor, writing in 1838, upon the information supplied by Colonel Ovans up to that time, "was one of the advisers of the petition of Girjabae;" and in the same minute he states, that the history of Girjabae's petition will be found in the letters of Colonel Ovans, dated July 7th and 21st, and August 12th, 1837. Let us proceed. Having obtained the two documents written by Sukharam Bullal, Colonel Ovans writes to say, that the evidence is now all but complete—that the petition of Girjabae may be taken as Govind Rao's own confession, and it now becomes important to discover whether he may be disposed to confirm it. He therefore proposes to send a confidential person to Ahmednuggur, to confer with Govind Rao, and asks the Government to give orders to the judge to attend to any communication which he (Ovans) may make upon this point. Following this letter to Bombay, we find the Governor, Sir Robert Grant, writing a minute in reference to it, (July 24, page 84,) in which he says:—

*"I see no reason to doubt the truth of the history now given by the uncle and mother of Govind Rao of the petition forwarded to Government in the name of the former. It is, however, I conceive, of the first importance that the writer of the letter, named 'Mahdeo Fugery,' should be examined,*

and Colonel Ovans should be requested to endeavour to procure his attendance at Sattara for that purpose. Orders should be immediately sent to the judge at Ahmednuggur to permit any person deputed by Col. Ovans to have free access to Govind Rao."

What next? On the 3rd of August a person is despatched from Sattara to Ahmednuggur to get a confession from Govind Rao. Who is that person? He is Sukharam Bullal. Giving him five days to reach his destination, he would arrive on the evening of the 7th or the morning of the 8th. Bear in mind how deeply implicated this agent is. Hitherto, he is the man who has given all the information to Col. Ovans, and his own credit and future respectability depend upon his obtaining from his nephew a confirmation of the truth of the alleged petition. What takes place at Ahmednuggur? Mr. Hutt shall tell. That gentleman, who is the officer instructed to intercept the letters of Govind Rao, writing to the chief secretary to Government on the 24th of August, says, "that by desire of Colonel Ovans, Sukharam Bullal has for many days had free access to the state prisoner, his object being to induce him to disclose what he knows regarding the late proceedings at Sattara; and he has been successful. I had an interview with Govind Rao this morning, at which he presented me with the enclosed, written, as he assures me, with his own hand, and which I had previously given him the means of preparing. He now seems willing to communicate to me all he knows, and I have no doubt of being able to obtain from him any information Government may desire." Then follows the confession of Govind Rao. Here, then, we have the history of the petition and the confession, down to the 16th of August, 1838; documents upon which numerous persons were imprisoned, volumes of evidence taken, voluminous reports sent in to Government, elaborate minutes written, and despatches sent to the Directors at home. Govind Rao is said to have furnished the information; his mother, Girjabae, is said to have authorised the petition; Vishnoo Kessoo Derwusteley, the maternal uncle, is said to have advised it; Sukharam Bullal, the paternal uncle, is said to have dictated it; Mahdeo Fugery, a

Hindustanee writer, is said to have written it; Girjabae is said to have visited Col. Ovens *by night*, and to have acknowledged its truth, and then to have sent a deposition stating the circumstances under which it was prepared; and, finally, the confession of Govind Rao is declared to be genuine and unconstrained. Let us now test these facts. And, first, as to Girjabae, the alleged author of it. In these recently printed papers we have two voluntary declarations, made by this Brahmin lady in the most solemn manner. In the first of these, made on the 11th of June, 1838, Girjabae affirms that she never gave a petition, nor said a word about one; and that if there be any such document purporting to emanate from her, it is a *fabrication* and a *forgery*. In the second declaration, dated the 19th of February, 1843, six weeks before her death, which was on the 3rd of April, this lady, in the presence of witnesses, affirmed as follows:—

“When my son was imprisoned by the honourable Company, some unprincipled men, taking advantage of my situation, wrote an urzee (petition) in my name to the Resident at Sattara. My son hearing of it, asked me whether I had authorized this proceeding, to which I replied, that not only had I never thought of writing such a petition, but expressed my utter astonishment at such a piece of imposition, and told him to be assured that I had never directly nor indirectly sanctioned such a transaction, and that *it was a gross piece of forgery*. To impress this more strongly on his mind, *I took a solemn oath on the Tulsee leaf to that effect*. My son seemed perfectly satisfied, and must have written to you on this subject. I have myself written to you, in order that you should make the matter known as publicly and extensively as you possibly can. If I am ever asked or referred to on this subject, I shall certainly expose the whole piece of imposition to everybody. It is, perhaps, unnecessary for me to say that I could never sanction such a thing in the remotest degree. *Once only, with the permission of his Highness the Raja, did I wait on the Resident, Colonel Ovens, in the daytime between the hours of eleven and twelve*, and this was for the express purpose of soliciting him to prevent my son being removed from Ahmednuggur, as I had heard it was in contemplation to have him sent to another prison. Bad as the former was, I preferred he should remain there to his being deported elsewhere; and it was simply to prevent this, that I was induced to see the Resident. I never entered upon any other subject whatever with him.”

Thus much for Girjabae. Next with regard to her alleged adviser, Vishnoo Kessoo Dewusteley. This man, the maternal uncle of Govind Rao, and the own brother of Girjabae, was a resident in the house of the latter at Sattara, until the dethronement of the Raja. Not only is he represented as the adviser of his sister in the matter of the petition, but we also find in the parliamentary papers, a deposition ascribed to him, containing evidence on the Goa plot. This man, who is said to be a witness against the Raja, is one of those who have accompanied his Highness into exile, and is still with him at Benares. Until the arrival of the printed papers at Benares, Vishnoo was ignorant of the fact that his name had ever been mentioned among the witnesses against his master, and on making the discovery, he sent the following attested declaration to Rungoo Bapojee :—

TRANSLATION OF A LETTER FROM VISHNOO KESSOO DEWUSTELEY,  
MATERNAL UNCLE TO GOVIND RAO, TO RUNGOO BAPOJEE IN LONDON.

*Benares, Nov. 16th, 1843.*

I have heard, since my arrival here, the following strange proceedings done in my name. It appears that at the instigation of Ballajee Punt Nathoo and others, the Resident, Colonel Ovans, wrote to the Bombay Government, which transmitted the same to the Court of Directors, who have published it in a great book, which latter you have sent to his Highness the Raja; to the effect, *that I have given my evidence against the Raja on the Goa charge of conspiracy.* This is mentioned in Governor Grant's minute of 5th May, 1838, para. 81, and my name is given as No. 40 in the list of the witnesses. Now, his Highness has asked me how it happens that my name is brought forward as a witness against himself. *I now declare to you that I am certainly the maternal uncle of Govind Row, and brother to Geerjabhacc, but that I ever gave a petition in her name to the Resident, or ever appeared as a witness in the Goa charge, or indeed, that I ever had any communication whatever with Ballajee Punt Nathoo or the Resident on the subject,* I most solemnly declare to be false. I write this that you may publish the same wherever you like in England, and I have had the declaration duly attested. His Highness has commanded me to communicate the same to the English Agent here, and to the Judge of Benares, which I have done.

(Signed) VISHNOO KESSOO DEWUSTELEY.

Now for Sukharam Bullal. We have seen that he first declared that he knew nothing respecting the authorship of the petition, and that he afterwards avowed himself the dictator of it, and the employer of Mahdeo Fugery. To dispose of this man, we must come to the evidence given by Krushnajee on the 7th of September, 1837, which Col. Ovans was guilty of concealing from his government for nearly twelve months. A few days after the arrival of Sukharam from Ahmednuggur, the real writer of the petition presented himself before Col. Ovans, and gave a circumstantial narrative of all the circumstances connected with the writing of that document, furnishing at the time incontestible evidence that it was written with his own hand, and that his employer was a man of the name of Lukshmun Punt Shekdar. Then we have another deposition from the villain Sukharam, in which he confesses that what he had said before was a lie, that *there was no such person as Mahdeo Fugery*, and that Krushnajee was the real writer of the petition. And then we have the proof obtained by Col. Ovans himself, but concealed with the rest, that the petition was sent from Punderpore, and not from Poonah. Then, finally, we have the confession of Govind Rao. The deputy-chairman, as I have said, told the House of Commons that this was a voluntary confession, and that he laid great stress upon what he called the remarkable coincidence between the evidence taken in Sattara, and the disclosures made by Govind Rao, a hundred miles away. Not one word did he say of the visit of that arch-fiend Sukharam, who was sent expressly for the purpose of getting this petition, and who was at least sixteen days before he succeeded. Oh, no, he had not the honesty to do this. The confession, forsooth! was the spontaneous outpouring of an overburthened mind to Mr. Hutt, who took down what was said; whereas, it was a statement prepared at the dictation of Sukharam, and presented, cut and dried, to the judge. It is a proof of the pettifogging spirit in which matters are done in India, that the only evidence which these printed papers contain to rebut the host of charges brought against various persons, is a long letter from Mr. Hutt, and a lot of depositions from gaol-keepers, to prove that the dungeon in which Govind Rao was confined was not *dark*. I care not whether

it was light or dark. I will not contend about the matter. He was in a fortress, and in a prison, and in a dungeon. He was cut off from all communication with the world, and with his dearest friends. He was sixteen days constantly subjected to the visits, the importunities, and the subtle insinuations of the base wretch Sukharam. They were alone,—the one a prisoner, the other a tempter. Who can tell what passed at these interviews? The sole object of the emissary was to get Govind Rao to support by a confession the story that had been hatched in Sattara. Return without that confession he would not. Who can tell what passed during these solitary interviews with Govind Rao? What hopes were raised, what fears were excited, what apprehensions were kindled, what promises were made? Will any man in this place tell me that this was a voluntary confession! Is there a person here with the hardihood to assert, that this confession ought to be received as valid evidence? Would it not be scouted from every court of law in Europe? (Hear.) Sir, I will put to you, and the other directors present, a question bearing upon this point. What did you do when Colonel Ovans was carried off by the Mahrattas, and confined in a hill fort, in the Kolapore territory? Did you sanction what he said and did, while in confinement; or did you declare all his acts null and void, in consequence of the restraint under which they were done? I call upon you to answer that question—yes or no. You are silent. Well, I will venture to tell this Court, that when your able and zealous officer was released from that confinement, you repudiated every act done by him during the time. Deny this if you can; and if you cannot, then, as honest men, say what is the worth of that miserable document, which you call the confession of Govind Rao. Why, Sir, when this confession came home, there should have arisen from the twenty-four Directors, the six “outs,” and the whole of the Proprietors, a burst of honest indignation against the infamous conduct of the Bombay Government. But, sir, to complete the demolition of this petition and confession, we have two declarations made by Govind Rao, since his release from the fortress of Ahmednugger. The first of these, is a letter written to the Raja of Sattara, and dated the 27th of November, 1811, and is as follows:—



“ I have received a letter from the Vakeel in London, requiring me to state whether the story of my mother, Girjabae, is true or false. I have sent an answer under date the 19th of this month, stating that Girjabae never made the deposition attributed to her, and that *the deposition which I made is also as false as that stated to have been made by her*. I have, however, received your Highness's orders to report, after questioning my mother, whether the story of her petition is true or false.

“ Agreeably to your commands I have questioned my mother, who denies all concern in that transaction. Hindoo women, moreover, never interfere in matters of state. The petition stated to have been made by my mother is entirely fabricated. I have further inquired as to the origin of the petition. It is the result of the intrigues of two Konkance Brahmins of Punderpoor, and some enemies of mine in Sattara, and the two fabricators of this false petition have been pensioned by Government through the agency of Balajee Punt Nathoo.

“ This affair of the petition requires to be investigated: my mother has made no deposition before the Resident or any one else. *As to the deposition which I made at Ahmednuggur, I made it when suffering great hardship, and when ready to die, and persuaded that justice could not be got; then it was that I wrote what Mr. Hutt told me, but my evidence and that of my mother are both false.*

“ Signed,                      GOVIND RAO.”

The second declaration is dated Sattara, 8th of January, 1842, and is as follows:—

“ I do hereby solemnly declare, that my mother, Girjabae, did not prefer an urzee, or application, to the Resident, or the Government, but that it was given by Ballajee Punt Nathoo, through a karkoon, in the name of my mother, and the said karkoon now enjoys a pension under Ballajee Punt's administration in Sattara; that the depositions which I gave were exacted from me while I was imprisoned in a dark dungeon at Ahmednuggur; that considering there was no justice with Government, and that if I did not adhere to what the Sirkar (British Government) wished me to do, I would lose my life; I was therefore forced, in order to preserve my life, to give my statements in writing according to the instructions of Mr. Hutt. I do now state that it is entirely false and extortion.

“ Signed,                      GOVIND RAO.”

I have now laid before you the proofs of the absolute falsehood of everything which has been stated relative to the petition of

Girjabae, and the confession of Govind Rao. I have proved that Govind Rao never furnished the information given in the petition; I have proved that Girjabae never had anything to do with it; I have proved that that lady never visited Colonel Ovans by night; I have proved that Vishnoo Kessoo Dewasteley neither advised the petition, nor ever gave evidence against the Raja; I have proved, that no man of the name of Mahdeo Fugery ever existed; I have proved, by Sukharam Ballal's own evidence, that all he told Colonel Ovans was false; I have proved that the confession was the result of a plot originated by Colonel Ovans himself, and carried out by his infamous agent; and I have also brought before you the parties who really did write and send the document, called the petition of Girjabae. Now, at this stage of the proceedings, let me ask, if we have not already enough before us, to justify a demand for an immediate and full inquiry into the case of the Raja of Sattara? Have I not shown you that the information sent to this House was false? Have I not demonstrated, that those elaborate minutes of your Governor, Sir Robert Grant, which you have so often cited against us, were written upon false information? If I have done this, how can you refuse an inquiry? How can you find peace in your minds, while the Raja of Sattara is pining away in exile? Why will you allow iniquity to prosper, and an innocent man and his followers to perish in banishment under a load of false accusations. I shall now proceed to state, very briefly, the contents of the printed papers recently laid before Parliament. From these we learn, that on the arrival of Krushnajee in Sattara, in September, 1837—to claim the reward of 1250 rupees, promised him for writing the petition—he was taken by one of the conspirators against the ex-Raja, to Ballajee Punt Nathoo, who informed him that he must remain quiet—communicate his information to no one but the Resident—and that he would then receive from the British Government the reward he had been promised, and also a pension, on the termination of the proceedings against the Raja. The conspirator now referred to was Abba Josee. This man had long been a spy, in the employment of the British Government. Though a subject of the Raja, he was in the pay of the Resident,

and received a hundred rupees a month for his intelligence. There were, as those present who have been at Sattara know, two men in the regular pay of our Government. The one told all that went on in the palace, and the other picked up the news in the public departments. Abba Josee was the spy in the public department. He is a near relative of Ballajee Punt, and when the latter was obliged to quit Sattara, Abba Josee remained behind as his correspondent and agent, for the accomplishment of his infernal purposes. It was this man, Abba Josee, the paid spy of the British Government, who picked up Krushnajee, and carried him to Ballajee Punt, who took him to Colonel Ovans. At this interview, he was told again by Colonel Ovans, that on condition of his remaining quiet, and not seeking the promised reward from Girjabace (*to whom he was peremptorily forbidden to go*) that he would be paid the full amount of his promised bribe; and, in acknowledgment of what was due to him, and as an earnest of the fulfilment of the pledge then made, the sum of fifty rupees was paid him on the spot, and an allowance of five rupees a month assigned him, as long as his services might be required by the Resident. After the allowance of five rupees a month had been for some time paid, it was increased to eight rupees, and continued until the plots against the Raja had issued in his dethronement. Krushnajee was then sent for by Ballajee Punt, and offered a hundred rupees, as compensation in full, for the services he had performed; but was at the same time called upon to give a receipt for the 1250 rupees which he had been promised. This, Krushnajee refused to do, but gave a receipt for the 100 rupees actually paid. He continued to prosecute his claim to the remaining 1,100 rupees, and the additional pension, until the close of 1842; when, finding that his applications to Ballajee Punt and Colonel Ovans were without success, he presented his first petition to the Governor in Council of Bombay.

What I have now stated, is Krushnajee's own account. Let us see how much of this is admitted, and how much of it is denied. Ballajee Punt admits that Krushnajee was brought to him by Abba Josee. Col. Ovans admits that Krushnajee was brought to him by Ballajee Punt. Both admit the payment of the fifty rupees

at the first interview ; also the subsequent payment of five rupees, and eight rupees a month ; and also, the final donation of a hundred rupees when the Raja was dethroned, and Krushnajee was no longer wanted. Both, however, deny that Krushnajee was forbidden to go to Girjabae; and both deny that he was ever promised the payment of the 1250 rupees, or a pension.

The first petition, which is dated 22nd December, 1842, contains the facts I have stated.—This petition was referred by Mr. Willoughby to Colonel Ovans, on the 7th of January, 1843. Colonel Ovans immediately handed the petition to Ballajee Punt Nathoo, who, on the 25th of January, gave a written denial of the truth of Krushnajee's statement; upon which Colonel Ovans sent up a report to Government, dated February 7th, 1843, containing the admissions and the denials which I have already referred to. I will read the last paragraph of this report, for the purpose of illustrating Colonel Ovans's manner of disposing of unpleasant matters: "If Government is pleased to approve of what is above stated, *I beg respectfully to suggest, that this petitioner be informed, that this is a matter in which the British Government WILL NOT INTERFERE.*" In perfect conformity with the advice given in this paragraph, the Government of Bombay came to the following resolution on the 6th of April, 1843: "*ORDERED, that the petitioner be informed, that this is not a case in which the British Government can interfere,*"—the very words, you will perceive, of Colonel Ovans.

Before this answer reached Krushnajee, he had addressed a second petition to Government, and it is, in my opinion, of importance that the information contained in this document should be before the Court. It is addressed to Mr. Willoughby, and dated 14th of January, 1843 :

"I have the honour to enclose herewith a memorandum in Mahratta, for the consideration of the Honourable the Governor in Council, regarding the answers of questions, taken from me by Ballajee Punt Nathoo, *privately at his home*, together with copy of the questions and answers, which I request your Honour will have the goodness to translate, with particular care, into English, and take into your serious consideration, when the case will be easily understood."

## I.—MEMORANDUM.

“ I beg to forward herewith a copy of a document which should have accompanied my former petition. The reason why it is necessary to lay this document before Government is, that Ballajee Punt Nathoo, without paying the amount due to me, misrepresented matters to the Resident, and persuaded him to the belief that I had set up a false claim. Nathoo, having called me to his house, he himself proposed questions to me, and when, from the answers I returned, he was satisfied that he must pay me the remaining 1100 rupees, agreeably to the Bae's deed for 1250 rupees, *he did not bring the questions and answers to the knowledge of the Resident*, but retained them with himself, and kept me in suspense by promises of payment. Nathoo is an affluent man, and has been much accustomed to manage affairs in a manner, by which any object in which he is interested is accomplished, without fear of detection. Under such circumstances, what difficulty can he experience in depriving me of my 1100 rupees? Nathoo can also misrepresent things to the Resident, and cause him to write such things to your Excellency in Council, as will tend to accomplish his purpose. I, therefore, request that the questions and answers which passed between me and Nathoo at his house, and which are still with Nathoo, may be called for, *and, also that those which took place in the presence of the Resident*, and Nathoo and myself, may also be examined by your Excellency in Council, when I shall be able to render Nathoo's fraud clear to your Excellency. In short, I beg to say that there is none except your Excellency in Council, to whom I can look for kind interposition, in obtaining payment of the 1100 rupees due to me; under such impression I write often to Government, and request that, taking this representation into consideration, Government will be pleased to cause my money to be paid to me, and a pension granted to me *along with others.*”

## 2.—QUESTIONS AND ANSWERS.

“ March, 1840.

“ *Question by Ballajee Punt.*—Geerjabae having deputed Lukshmun Punt Shekhdar (to you) as intercessor, caused a representation to be laid before Government through you, and letters were written to you *in the name of the Bae*, promising a reward (for the same); state then whether these letters were transmitted to Wittul Bulal, a karkoon of the Judicial Department, who was at Punderpore, by Lukshmun or the Bae herself; state in whose handwriting they were, and how you can prove the point, by confronting the above-mentioned two persons?

“*Answer by Krushnaje.*—When the whole of the papers in my possession connected with the Bae’s case were taken by you from me, and *delivered to the Resident*, you and the Resident were satisfied that they established certain transactions, regarding which evidence was desired; in consequence of which you considered that there was no necessity for the attendance of Lukshmun, whom you had sent for, for the purpose of being confronted, and therefore *caused him to return*. The letters which were written to me by Lukshmun *in the name of the Bae*, found their way to Wittul Bulal, who delivered them to me. The notes written regarding these letters by Wittul Bulal, in his own handwriting, were torn by himself, but these were pasted together by me. The notes in this state *were delivered by you to the Resident*, along with the other papers. These notes afforded you *conclusive evidence*, and consequently Wittul Bulal was not sent for, and, therefore, you yourself stopped the confrontation of the parties concerned. On this point documentary proof is in existence. I do not know who was caused to write the letters which I received from the Bae, while I was at Punderpore; the Bae and Lukshmun must know it. The notes of the Bae, Lukshmun, and Wittul Bulal themselves afford every proof. No new proof is, therefore, necessary to be adduced by me.

“*Question by Ballajee Punt.*—Geerjabae does not acknowledge the promise of reward. Give your explanation on this point?

“*Answer by Krushnaje.*—When, after being satisfied from the papers in my possession, you introduced me to the Resident, and gave to him the papers executed to me by the Bae, regarding the reward, *you agreed to pay the reward promised to me by the Bae*, and having given me 50 rupees, out of 1250 rupees, intimated to me, that you would pay the remaining 1200 rupees on the conclusion of the inquiry. With such an engagement, you and the Resident induced me to remain with you, allowing me a batta of five rupees per month, and *gave me peremptory directions not to go to the Bae at all*. I have, therefore, nothing to do with the Bae’s denial; for instance, Purtabsing Maharaja carried on certain political intrigues, and as he did not confess them during the inquiry, he forfeited the friendship existing between him and the British Government, was deprived of all benefits, and lost his throne; and all persons (who gave evidence against him) were benefited. It is not necessary that I should relate these things under such circumstances. There remains no ground on which I should be questioned regarding the Bae’s denial.

“*Question by Ballajee Punt.*—You have stated in writing that the notes are in the handwriting of Wittul Bulal himself; state then how you can prove that the writing is of Wittul Bulal?

“*Answer by Krushnaje.*—Wittul Bulal should be questioned on the subject, and if he denies it, the notes may be compared with the numerous papers in his writing, which are with the Maharaj Sircar (the Sattara Government.) This is the proof.”

These documents, also, were immediately referred to Colonel Ovans, who on the 22nd of April referred the Government back to their decision of the 6th, whereupon it was “ORDERED, that the petitioner be informed, that *the decision communicated to him, under date the 6th of April last, is FINAL*; namely, that *this is not a case in which the British Government can interfere.*”—As in the first instance, the advice of Colonel Ovans was again followed to the very letter. The two former petitions of Krushnaje having failed to obtain the attention of the Government, to the claims therein preferred for the promised reward, a third petition was sent, dated the 29th of June, in which Ballajee Punt Nathoo was accused of bribery. It is as follows :

“That your petitioner begs respectfully to state, that Ballajee Punt Nathoo, while residing at Sattara, *during the inquiry respecting the late Rajah of Sattara*, has acted very improperly and illegally, *in having received bribes* from the jagheerdars, and other ryots (or land cultivators) of Sattara, on account of their business *having been done by the Resident and the Raja* of that place, and has thereby ruined them; I have, therefore, made this petition to your Lordship, to request that your Lordship will be kind enough to *allow me to see your Lordship*, when I shall explain the above circumstances *in detail* to your Lordship, and evidential proofs to prove it, or else, let any other gentleman be instructed *to inquire* into it, by ordering me to see him secretly, when I beg leave to assure your Lordship I shall disclose everything, particularly, about the conduct of Ballajee Punt Nathoo. *I also beg that this news should not be brought to the notice of the Resident at Sattara, before its being inquired into.*”

This petition, like the others, was despatched to the Resident, who, on the 28th of July, reported, that its contents were false, and concluded his letter as follows :—

“After what is above stated, I must leave it to Government to decide what course to pursue as regards *this foul and malicious libeller*. But it may be right to add, that as *this petitioner has some trifling employment*

*under the Sattara Government, and as there is some reason to believe that this petition is the result of some low intrigue here, perhaps Government will permit me to communicate this matter to his Highness the Raja of Sattara, and to request that his Highness will deal with this man, being his own subject and servant, in any manner that may seem just and expedient."*

I think it would be in vain to search the annals of official iniquity, for a more infamous suggestion than that contained in this passage. I know not how to restrain my indignation while I quote it. Colonel Ovans well knew that the Raja possessed the power of life and death, and I therefore regard his proposition as nothing better than the expression of a wish that Krushnajee should be delivered up to destruction, for the purpose of silencing for ever the accuser of a man, in all whose malversations he had been a confidant and a participator. What do the Government do? Record the following minute.

"Petitioner should be referred to the Government letter of the 3rd of June, and be informed that *that decision is final*. The Resident to be informed, and *no further petitions received on the same subject*."

A fourth petition was presented to Sir George Arthur, at Dapooré, but no notice was taken of it. We come now to the fifth, and most important petition, dated the 29th of September, 1843. After referring to his former petitions, Krushnajee says:—

#### CHARGES AGAINST BALLAJEE NATHOO.

"Your petitioner will, without any further remarks, respectfully solicit the consideration of Government to *some of the principal cases in which Ballajee Punt Nathoo has received large bribes, and committed great extortions*; and he begs at the same time to represent that *he is quite prepared to prove them, both by ORAL EVIDENCE and WRITTEN DOCUMENTS, before a commission of inquiry*.

"1st Charge.—It is universally known that it was an act of grace on the part of the British Government to restore the possessions of the Punt Suecho, and it is too absurd to say that Ballajee Punt influenced this measure of Government, notwithstanding his taking advantage of the minority of the Suecho. Ballajee Punt made the chief's adoptive mother



understand, that had it not been for his interference, the jagheer would never have been restored by the British Government, and he then formed a league with one of his karbharrees, by name Bajaba Sindkeer, and made *a private demand for the payment of a lac of rupees (10,000l.) as a present for his services.* The Suchoo being unable to meet so heavy a demand from his own treasury, the Nathoo himself suggested a plan, by which a portion of the sum *was paid in hard cash*, and for the remainder he received bonds, to the effect, that the said sum was *advanced* by the Nathoo, and was to be paid by annual instalments. To prevent the easy detection of this *villanous transaction*, the Nathoo *has falsified* both his own accounts and those of the Suchoo, rendered to the Resident. By this arrangement, the Suchoo was burthened with what is called a regular debt to the amount of about 80,000 rupees (8,000l.) The Nathoo *now receives interest upon this sum*, as well as instalments in liquidation of what is called the principal. He has, moreover, taken from the Suchoo two villages in enam.

“2nd charge.—A warra, or house, situated in the town of Sattara, and certain surunjameen enam villages belonging to the Punt Amatya, had been sequestrated by the late Rajah Purtabsing. As a compensation for restoring them to the Amatya on the dethronement of his Highness, Ballajee Punt made an agreement in the name of Raghu Punt Gagtey, a great favourite of his, to receive 8,000 rupees (800l.) from the Amatya, and *has actually received about half of that amount*; besides this, the Nathoo made the Amatya give the Gagtey a piece of land as enam, to the value of 200 rupees.

“3rd Charge.—When the Resident caused the property of Khuwashkhan of Khuwashkhan Gangabae Daflec, which had been seized upon by the ex-Raja to be restored to her, Ballajee Punt Nathoo made an agreement, through Bappoo Nisbut Khuwashkhan *to receive a present of 10,000 rupees (1,000l.)*, and *actually received payment of half of that sum.* But before the remainder could be paid, the Khuwashkhan lady died; when her property was confiscated, and Ballajee Punt Nathoo, out of resentment for the non-payment of the remainder of the bribe, sent a secret intimation to the kamgars of the Gutkur Ball Daflec, and instigated them to *break open the backs put to Bappoo's house, and to seize upon and take away his property, consisting of cash, jewels, papers, &c.*

“4th Charge.—A certain person connected with the Dafly family, by name Ramchunder Rao Dufley, had not, for upwards of seventy-five or eighty years, held possession of six villages; nevertheless, Ballajee Punt

Nathoo *undertook to restore them to him*, and made an agreement through Abba Josee, a person connected with him by marriage ties, *to receive a large bribe*. He then *deceived the Resident* by a misrepresentation, and *induced him* to cause the *restoration* of the six villages to Ramchunder Rao. These villages the Nathoo told the Dafley to mortgage to a Sowkar, which the Dafley did, and he obtained from the Sowkar a loan of about 160,000 rupees (1,600*l.*), and *paid it to the Nathoo*.

“5th Charge.—The British Government having directed, as usual, that the nearest male relation should be adopted by Bhageerthybaee Dafley, of Jutt, the Nathoo made the nearest heir come to Sattara, and opened a negotiation with him *for receiving a bribe*; but the amount desired by him not being agreed upon, and the lady, *who wished to adopt another boy*, making a promise, through her vakeel, Ragho Punt Wasugrekur, *to give any present the Nathoo desired*, if the adoption was allotted *agreeably to her wishes*, the Nathoo managed to give her the boy she selected, and received a bribe of 15,000 rupees, (1,500*l.*)

“6th Charge.—As Ballajee Punt at first felt it impossible to controul Shaik Meera Waekur, he brought a boy who pretended to be brother of that jagheerdar, with the view of putting him in possession of the jagheer, and kept him at Sattara, giving him a house from the pago of the present Raja, and supplied him from his highness’ kitchen, while his highness remained encamped near the Residency; soon after, however, Shaik Meera, fearing the ultimate consequences, *gave in to the Nathoo*, who received from him a bribe of 1,600 rupees, (160*l.*) and drove away the boy just alluded to.

“7th Charge.—Although it had been decided by the British Government that the Ukeelkatkur, who had arrived to the age of maturity, should be put in charge of the affairs of his jagheer, Ballajee Punt Nathoo deceived the young gentleman, that he himself (Ballajee Punt) *was the cause of this arrangement*, and received from him, through Ramchundrow Nimbalker, the newly-appointed carbharee to the chief, and through Abba Josee, already appointed vakeel, some gold ornaments, silver ware, and cash, in all to the value of about 15,000 rupees (1,500*l.*)

“8th Charge.—Ballajee Punt received a bribe from the Futtunkur Bae, on the occasion of her being allowed to adopt. Although your petitioner *cannot now state the precise amount*, he will, *when the commission opens the inquiry*, show the exact sum received by the Nathoo.

“9th Charge.—Ballajee Punt Nathoo has received as a bribe, enam land from the Punt Muntree, with 500 rupees for settling certain affairs in his favour.

“ 10th Charge.—The ex-Raja had imposed upon Deagurei Muhunt Gos-sain, of Sattara, on account of a certain matter in dispute between him and Aheetwargeer Gossae, a daily mulct, which was progressively increased every day, which amounted to about 7,000 rupees. The Gossae com-plaind of this oppression to the Resident and the British Government, whereupon it was resolved to return the fine; nevertheless, Ballajee Punt Nathoo, before causing the repayment of that sum, exacted from the Gossaeen, 1,000 rupees.

“ 11th Charge.—Ballajee Punt Nathoo *has surreptitiously made himself master of the property of the late Seenaputtee, and recovered for himself certain sums deposited by the deceased in certain quarters.* The Nathoo succeeded in committing this villany, by gaining over the Seenaputtee’s kharbharees, Rowjee Derow, and Rowjee Degambeer, who were well versed in their late master’s transactions; and to deter them from revealing it, he procured for them pensions from the present Raja.

“ 12th Charge.—Ballajee Punt Nathoo received large sums of money from the Sattara treasury, under the plea of meeting certain expenses said to have been incurred by him, consequent on the late inquiry, which sums have been entered *under false headings in his Highness’s accounts*; and instead of applying the whole of them to the purposes intended, or rendering any account of the sum, *he has fraudulently appropriated a great portion of it to his own use, or in other words, transferred it to his own coffers.* Though this charge *may appear to be very general*, your petitioner will, when he is offered an opportunity of doing so before a commission, *produce the necessary evidence in support of specific instances.*

“ Having mentioned the most serious charges of the bribery and extortion, your petitioner would now proceed to detail some instances which, if not amounting in the opinion of your honour to undue exactions, may at least serve to show, that Ballajee Punt has *most shamefully abused his personal influence*, to the great detriment of the Sattara state, for the sake of lucre.

“ 1st. Ballajee Punt has induced, if not forced, the Raja, to give him in enam a *certain garden* situated at Sattara, and *belonging to the late Seen-pauttee.*

“ 2nd. He has obtained new enam villages, as is well known to the British Government, from his Highness the present Raja, to the (annual) value of 8,000 or 9,000 rupees (800*l.* or 900*l.*)

“ 3rd. On Appa Sahib being raised to the throne, the Nathoo represented to him that he had made a vow to keep a Chowgura in a temple

situated in the village of Patchwar, (before granted to him as an enam by the late Raja,) and induced his Highness to permit him to keep one, and to give an enam village, worth 1,200 rupees (or 120*l.* annually), to cover the charges of the establishment.

“ 4th. The Nathoo has obtained as a gift a warro or house, called Dawlchawarro, situated in the town of Sattara, and additions and improvements were made to it at an expense of about 6,000 rupees, (600*l.*) the whole charged to his Highness.

“ 5th. He received a pearl necklace from his Highness's treasury as a gift; the value of which *appears in the Raja's accounts.*

“ 6th. He has taken from the Raja's stables horses for himself and his sons, of the best sort. These animals are at *present with the Nathoo*, they are valued at about 3,000 rupees (300*l.*)

“ 7th. He has received poshaks (dresses of honour) from his Highness for himself, his sons, his own wife, his sons' wives, his relations, and his attendants and servants, to the value of about 10,000 rupees (1,000*l.*)

“ 8th. He has received a palankeen from his Highness, having tassels made of gold lace, and covered with rich kincaub, valued at about 1,000 rupees (100*l.*)

“ 9th. He has obtained koorons in enam from his Highness, for the supply of grass and fuel.

“ 10th. He has taken from his Highness, Furoskhano tents and jajams, valued at about 300 rupees (30*l.*)

“ 11th. Whilst Appa Sahib Maharaj remained encamped near the Residency during the late inquiry, all articles of food for himself and his horses were received by Ballajee Punt from his Highness; Ballajee Punt, not satisfied with obtaining immunities for himself, used his influence to get enam, pensions, wurshasun, &c., for his relations, friends, and retainers, some of which are as follows:—

“ 12th. Abba Josee, a person related to Ballajee Punt Nathoo by marriage ties, and who already received a salary of 100 rupees from the Ukulketker per mensem, and a pension of 50 rupees from the British Government, has had lately granted to him an additional allowance of 75 rupees, from the Chief of Ukulkatur, and an enam village, of 2,500 rupees (annual value), from the Raja; and his two sons have been provided with a salary of 50 rupees per month from the Raja. The reason of heaping so many immunities upon Abba Josee, is, that *through his agency*, Ballajee Punt has received *large sums of money as bribes*, as may be gathered from the 4th and 7th charges, set forth under paragraph 2 of this petition.

“ 13th. Narrain Shastree Thutey, a son-in-law of Ballajee Punt Nathoo's, who resides at Poonah, has had, through his father-in-law's interference, a perpetual wurshasun of 1,250 rupees (125*l.*) per annum, conferred on him from the *Sattara treasury*.

“ 14th. Baba Nagurkur, who is now at Poonah, and to a child of whom a grandchild of Ballagee Punt's is married, has had a monthly pension of 50 rupees conferred on him from *the Rajah's finances*.

“ 15th. Ragho Punt Gogtey, an associate of Ballajee Punt Nathoo, in playing at sogtees, has a monthly pension of 25 rupees granted him from *the same source*.

“ 16th. Dhandoo Punt, a karcoon of the Nathoo, has a monthly pension given him of 12½ rupees from his *Highness's treasury*.

“ 17th. Roajee Furkia, a nephew of Ballajee Punt, has a similar allowance given him.

“ 18th. He has obtained pensions for his jasoods and khizmutgars from *the Rajah's treasury*.

“ 19th. One Narrain Row Deshmaokh Koadalkur, owed some money to Ballajee Punt, who in consequence obtained for him a monthly salary of 25 rupees from his Highness, and *got it transferred to him in liquidation of the debt*.

“ 20th. Ballajee Punt had secured *for a dancing girl, by name Mancee, in his own service*, an allowance of 100 rupees (10*l.*) per month from the *Sattara treasury*.

“ 21st. He has employed all his brothers, nephews, and other relations, friends and favourites, *in the service of the Sattara State*, as if he was himself *the Chief of that State*.

“ Your Honourable Board *can ascertain, from the public records*, how far, and if at all, the individuals mentioned in the above clauses, 13 and 21, have been serviceable, during the late inquiry at Sattara, to entitle them to the liberality of the Raja.”

Here, then, are twelve principal, and twenty-one minor charges preferred against a pensioner and jagheerdar of the British Government. Were I to occupy your time in dwelling upon them minutely, I could prove that many of them are intimately connected with the previous proceedings against the Raja; but taking them together, they prove how strong the motive was that Ballajee Punt had for seeking to regain his ascendancy at Sattara. Many of these charges directly implicate the Resident, Colonel

Ovans; and to say the least, if there be any truth in them, he must have been criminally negligent in the discharge of his duty. Now let me draw your particular attention to the language in which this petition concludes. I have seldom met with anything more just, or reasonable, than the opinions and sentiments here expressed. The petitioner says:—

“ Having thus set forth the principal points, *impugning the honesty and good faith of Ballajee Punt Nathoo*, your petitioner begs most respectfully to observe, that *it will be doing a great injustice to the subject merely to prefer the statement for the report of the Resident*; for that officer, who has received so much assistance from the Nathoo, is, as may be naturally expected, *much biassed in his favour*, and therefore *little can be expected from him in tracing the truth*. He will, in all probability, do no more than declare the whole of the twelve charges set down under paragraph two, to be *fallacious and malicious*; and that the circumstance of Ballajee Punt having been concerned in the late inquiry has made him many enemies; for, *were the truth of them established*, the fact will go to show *culpable neglect* on his (Colonel Ovans's) part for having so long *taken no trouble to check the system of bribery and corruption passing under his nose*. To assert that *an accusation is false is a very easy thing*, but to **PROVE** it to be so by evidence is a difficult matter. Your petitioner respectfully submits, whether it will not be unbecoming the high character of the British Government to *refuse to institute a proper inquiry into charges of so criminal a nature*, and charges which your petitioner *offers to prove by regular evidence*. He begs also to remark that before he became acquainted with the *frauds and villanies* of Ballajee Punt Nathoo, herein detailed, he had been persuaded that the system of bribery and corruption which prevailed under the Mahratta Government had ceased with the overthrow; he has been obliged to arrive at a different conclusion, to wit, that it has continued in all its forms under the British rule. In order, therefore, to *clear the high character of your Government, so reflected upon in the eyes of the people of the Sattara State*, and to prevent the observations of the public, to which the British Representative at his Highness the Rajah's Court has laid himself open, by the conduct of Ballajee Punt, a British subject and pensioner; your Honourable Board cannot but deem itself imperatively called upon to adopt energetic measures, and to *sift the matter to its very bottom*.

“ In conclusion, your petitioner humbly prays that Government will be pleased, as the only most satisfactory way of arriving at the truth, and doing justice to all concerned, to *appoint a Commission*, composed of three

members; the Resident himself, Colonel Robertson, the visiting Judicial Commissioner for the Deccan, or the Agent at Poonah, or *any other three gentlemen* best versed in the customs and manners of the Mahratta Durbar, (or Native Court,) to inquire into the several charges preferred against Ballajee Punt Nathoo; when *your petitioner will produce in support of them his WRITTEN EVIDENCE and WITNESSES, who might be examined upon oath.* Your petitioner requests that he may be favoured with an intimation on the subject, that he may proceed to Sattara to appear before the Commission.

“Your petitioner trusts that the circumstance of Ballajee having staunch friends, both in the Secretariate and the Presidency, will not lead to this representation being treated with indifference; *let not, Honourable Sir, such crimes as bribery and extortion, whoever may be the offender, pass with impunity.*”

Now, sir, I venture to put it to your conscience, and to the conscience of every honest man in this assembly, whether it was not the bounden duty of the Bombay Government at once to institute a rigorous and impartial inquiry into the several charges brought before them, with a view of visiting upon the party accused, the punishment he merited, if found to be guilty; and in the event of the establishment of his innocence, of dealing with the party bringing the accusations, as a malicious defamer of the character of an upright man. On the receipt of the petition, the following letter was addressed to Krushnaje, by the Secretary to the Bombay Government, Mr. Willoughby.

“*Bombay Castle, 13th October, 1841.*”

“I am directed by the Honourable the Governor in Council to acknowledge the receipt of your petition dated the 29th ultimo, and to signify to you that *the subject thereof is under consideration*, and that an answer will be returned to you *as soon as possible.*”

What was the nature of the consideration bestowed upon this petition by the Government? A reference on the same day to Colonel Ovans. What is the answer of Colonel Ovans? Does he instantly advise the Government to institute a strict inquiry into the allegations contained in the petition? The following report, dated November the 2nd, 1843, will show:—

“As regards this petition, the Resident begs leave very respectfully to refer Government to his report under date the 28th of July last, as well as to the reply of Government to this petitioner, under date the 10th of August last, and forwarded to the Resident here for his information, in which the petitioner is informed that the decision of Government communicated to him under date the 3rd of June last, in reply to his petition, dated the 14th of January last, is final; and that no further petitions on this subject will be received from him. The Resident begs leave merely to add, that there is NOTHING NEW brought forward in the petition now returned, but that *these accusations are all equally false and malicious*, as those formerly brought forward by this petitioner, and consequently that *this infamous libeller is unworthy of further notice or reply.*”

What will be thought of the Government of Bombay, who deemed the above a sufficient reply to such a document as that which had been sent to Colonel Ovens? The following is the minute of the Governor, subscribed also by another Member of the Council:—

“*I do not think any answer should be returned to this petition, and any further representations from this person should be RETURNED BY ENDORSEMENT.*”

Receiving no answer to this fifth petition, Krushnajeel sent in a sixth, on the 12th of October, which was to the following effect:—

“I did myself the honour to present a petition to your Honourable Board, on the 29th September last, requesting a proper inquiry into *certain charges of bribery and extortion*, against Ballajee Narrain Nathoo, therein specifically mentioned. Indeed I am a man in humble circumstances, but the Nathoo, a privileged gentleman, has, in the course of his villanous transactions, deprived me of a sum of 1100 rupees, which was promised me as a reward for services rendered in connexion with the late inquiry at Sattara. *I was on that occasion a competent and honest witness*, and my evidence was received by the Resident *as credible*; but now, when I prefer *criminal charges* against Ballajee Punt, *his friend and adherent*, Colonel Ovens, as may naturally be expected, *denounces me as a bad character!* His Highness the Raja, I understand, joins the Resident in his opinion of my character, which, however, is not wonderful, when *his*



*Highness is a creature of, and a mere puppet in the hands of Colonel Ovans.*

“ I beg, however, respectfully to represent that if the Resident asserts that the charges are unfounded, his assertion is far from truth; and *I am prepared* as already stated in my petition, *to substantiate them before a commission of inquiry*; may I, therefore, humbly solicit an early intimation of the decision of Government on the subject.”

A seventh petition was also presented on the 10th of November, from which the following is an extract:—

“ Though it is nearly a month and a half since the first petition was delivered in to Government, *no Commission has as yet been appointed*. *The delay is very injurious to the cause*; for if the Resident comes to know of the specific charges preferred against Ballajee Punt, whom he is apparently determined to protect to the last, and at any expense, *there is every likelihood of some of the witnesses, whom your petitioner wishes to bring forward in support of his petition, being tampered with*. It is, as your petitioner has already before observed, *doing great injustice to the subject to refer the petition to Colonel Ovans, and to decide upon it according to his report, for, when his own character is involved in the issue, he cannot possibly be expected to conform strictly to the principles of truth in reporting upon its merits*. Moreover, it is too much to expect the persons who have given bribes to the Nathoo, (a greater portion of them to answer their own views,) to divulge their own secrets before the Resident,—nay, *that officer's influence is sufficient to frighten them all into silence*; and unless the WITNESSES and PAPERS *which your petitioner has to produce* in support of the charges, are duly examined, the inquiry, whether instituted by Colonel Ovans, or by any other officer, cannot be considered to be complete. *The evidence which your petitioner has to adduce against Ballajee Punt Nathoo will not only show culpable neglect on the part of the Resident, but a concealment, when brought to his notice, of some of the frauds committed by the Nathoo*. These are points to which the mature consideration of your Honourable Board is particularly requested. *Is it not a great waste of time, under such circumstances, to make any reference at present to the Resident?*”

These petitions were returned by endorsement.

The first five petitions, addressed to the Governor in Council of Bombay, (Sir George Arthur,) having utterly failed in obtaining an investigation, either into the claims of the petitioner himself,

or into the serious charges preferred by him against the Brahmin, Ballajee Punt Nathoo, Krushnee determined to address a petition to John Warden, Esq., the European Judge at Poonah, and also the Agent for the adjustment of Claims against the Sirdars in the Deccan, of whom Ballajee Punt Nathoo was one. In this petition, Krushnajee repeats the charges brought against Ballajee Punt Nathoo in the fifth petition to the Bombay Government, which has been read, and then concludes in the following manner:—

“During the prosecution of the inquiries into the charge of treason, brought forward against the ex-Raja, Purtab Shean, my depositions, &c., were taken by the Resident, and the testimony I then gave, I now confirm as true. That I was a man of high character and respectability must have been communicated to Government at that time; but in consequence of my having now complained against Nathoo, I hear that the Resident says I am not a good man. There is, however, nothing extraordinary in this, because when the inquiry shall have been completed, and these allegations fully established against Nathoo, the Resident will be blamed. It is, therefore, necessary that you should make a report to Government on the subject of this complaint. I am at present in Bombay, and having heard that Ballajee Punt Nathoo is a subject of your jurisdiction, and that, according to Regulation, all complaints against him should be made through you, I have addressed you.”

On the receipt of this petition, Krushnajee received the following reply from Mr. Warden, dated December 26th, 1843. “In your petition of the 14th October, 1843, of twelve paragraphs, you have accused Ballajee Narrain Nathoo of *crime*. I now call upon you to send me, in writing, *all proofs* you have, to meet the accusation, made in each paragraph of your petition; after which, whatever orders may be given, shall be carried into effect.”

In consequence of this letter from Mr. Warden, Krushnajee forwarded to Poonah the following

#### SCHEDULE OF EVIDENCE.

“Memorandum, showing in detail, the Evidence applicable to the several allegations brought against Ballajee Narrain Nathoo, by Krushnajee Sudasew Bhidcy, in his petition of the 14th October, 1843.

“ I. *Proofs regarding the cash extorted from the Punt Suchoo.*

“ 1. The ex-Raja was formerly in the habit of levying a sum of 15,000 rupees per annum from the Punt Suchoo, for supporting the expenses of elephant establishment, but which was subsequently, on the accession of the present Raja, remitted in 1839. Nathoo, however, received on this account a sum of 30,000 rupees, (6,000*l.*), being the allowance for two years. The proofs in support of this item are as follow, viz. :—

“ 1. The private accounts of the Punt Suchoo, commencing from the year 1839 to the year 1843, being for five years, should be called for.

“ 2. Nathoo, without lending any money to the Punt Suchoo, has obtained deeds, the interest whereof, at the rate of 2,000 rupees (200*l.*) per annum, is received by Nathoo. In support of this statement, the Suchoo's accounts for the above-mentioned five years should be referred to.

“ 3. Nathoo also receives an annual sum of 300 rupees (30*l.*) on account of ‘Shellah and Turleand,’ from the Suchoo. The proof in support of this item is the aforesaid accounts.

“ 4. Two Khandies of Ambaymoorree are annually given to Nathoo, which will also be evident on reference to the above accounts.

“ 5. Nathoo is in the possession of two villages, which yield a revenue of 2,000 rupees (200*l.*) per annum. In proof of this item, the accounts of the Suchoo's dutftur should be called for. Besides these two villages, Nathoo enjoys another, of which only he apprized the Resident; but he is in the actual possession of three villages.

“ In support of the foregoing five items, the following persons are the witnesses; viz. :—

“ 1. Rungoe Keshow Soobadar of the Kusbah of Sheerwul; not employed at present; resides at Sheerwul.

“ 2. Rowjee Soobadar, the uncle of the Suchoo; resides at the village of Bhore.

“ 3. Dada Phudnees, manager of the Suchoo, who is at the village of Bhore.

“ 4. Appa, manager of the Suchoo, the natural father of the present Punt Suchoo, who resides at the village of Bhore.

“ 5. Bhickajee Krishu, vukeel of the Suchoo, who used to be at Sattara, and is now at the village of Bhore.

“ 6. The carcoon in charge of the Punt Suchoo's treasury.

“ II. The village of Ram Rao Surootum Ammatya had been, during the reign of the ex-Raja, held under sequestration. Nathoo, after the accession of the present Raja, caused the restoration of these villages to the Ammatya, and as remuneration for his exertions, obtained an agreement for the payment of a sum of 6,000 rupees (600*l.*) But as the Ammatya was unable to pay this sum, Nathoo, by interesting himself in the settlement of an old demand of one Babboorow Pundit against the Ammatya, caused the latter to execute a fresh deed to the Pundit, and for which he received a sum of 4,000 rupees (400*l.*) from the Pundit. The village that was restored to the Ammatya is Churragaon, pettah Kurrand. This village was assigned in mortgage to the Pundit, and a sum of 6,000 rupees (600*l.*) obtained on it. The total amount thus received by Nathoo in this transaction is 10,000 rupees (1,000*l.*)

“ The following are the witnesses on the subject, viz. :—

“ 1. Ragho Punt Gogutay, a dependant of Nathoo; he is now at Sattara. All the agreements respecting this transaction were negotiated through the medium of this individual.

“ 2. Babboorow Pundit, and his private cash accounts for the month of Mang Shukay, 1761.

“ 3. Ram Rao Surootum Ammatya.

“ The above is a detail of the proofs applicable to this item. When this circumstance came to the notice of the Raja, he caused the Pundit to restore the village to the Ammatya. But the inquiry was not concluded; some of the depositions which were then taken, exist in the durbar of his Highness. The cause of the inquiry not being concluded is the intimacy which subsisted between the Resident and Nathoo.

“ III. The Wuttun of Gunga Bae Dufflee Khuwas Khan, was resumed by the ex-Raja, and subsequently restored by the present Raja. In this affair, Nathoo obtained an agreement for the payment of 10,000 rupees (1,000*l.*) out of which he received 5,000 rupees (500*l.*) The following persons are the witnesses, viz.—

“ 1. The late Gunga Bae Dufflee.

“ 2. Bappoo, the manager of the Khuwas Khan, now at Sattara.

“ 3. Cassepunt Bundray, who resides at Maholee.

“ 4. Bajee Appat, carcoon of Bappoo Khuwas Khan, at Sattara.

“ IV. Ramchunder Row Dufflay is a distant relation of Bhageertee Bae Dufflay Jutkureen, and although he had formerly no possessions,

Nathoo, after the accession of the present Raja, caused the Bae to make over six villages to Ramchunder Row. As remuneration for this service, Nathoo obtained an agreement for the payment of 16,000 rupees (1,600*l.*); but as Ramchunder Row was unable to pay the money, Nathoo made over these villages in mortgage to one Gopall Row Kannaday, and obtained the money.

“ In support of this charge, the following persons are witnesses, viz. :—

“ 1. Ramchunder Row Dufflay, of Sattara.

“ 2. Gopall Rao Kannayray, a dependant of the Raja, who is at Sattara.

“ 3. Abba Josee, a relation of Nathoo, who is now at Sattara.

“ 4. Bageerthee Bae Dufflay, a Jageerdar of Juthkurreen.

“ V. The jagheer of Bhageerthee Bae had been resumed by the ex-Raja; but it was afterwards restored to her by the present Raja, who was further pleased to allow her an adopted son. In this case Nathoo extorted a sum of 15,000 rupees (1,500*l.*)

“ The undermentioned persons are witnesses to the fact, viz. :—

“ 1. Bageerthee Bae Dufflay of Juth.

“ 2. Bappoo, a dependant of Khuwus Khan, vukeel at Sattara.

“ 3. Raghoo Punt Wussudaykur at Sattara.

“ 4. Munnohar Punt, late vukeel at Sattara.

“ 5. Doodow Punt at Khannapoor-elaka, Sattara.

“ An *inquiry was pending* regarding the above subject before his Highness the Raja; *but owing to the Resident being partial to Nathoo, the inquiry was not concluded.*

“ VI. Sheik Meerah Waeekur had incurred the displeasure of both the Resident and his Highness, the Raja: Nathoo, with the view to a reconciliation, as also to nullify the claim of a certain person whom he had instigated to come forward as the brother of Sheik Meerah, extorted a sum of 1,600 rupees (160*l.*)

“ The following persons are the witnesses, viz. :—

“ 1. Sheik Meerah Waeekur, now in Poonah.

“ The vukeel of this Sirdar, who is at Sattara. I do not know his name, but I can point him out.

“ VII. Ramchunder Row Nimbalker was nominated a manager to the Chief of Akulcote, and from whom Nathoo extorted a sum of 15,000 rupees (1,500*l.*) The proofs regarding this are as follow; viz. :—

“ 1. Ramchunder Row Nimbalker, an inhabitant of Akulkote.

“ 2. Khundoba Naik Chatty, an inhabitant of Sholapoor. Into *this person's shop* the money was paid by Ram Bulwunt, the carcoon of the Nimbalker.

“ 3. Gokuldass Sowcar, of Poonah, to whom the aforesaid Chatty remitted the money by bill of exchange.

“ 4. Ram Rao Bulwunt, of Indapoor.

“ 5. The accounts of both the Chatty and Gokuldass should be obtained and examined, when *they will prove that Nathoo received the money.*

“ VIII. Bae Nimbalkurreen, Jagheerदार of Phultun (I do not know her name.) Her jagheer was sequestrated during the reign of the ex-Raja; but was subsequently restored by the present Raja, who also granted her an adoption, for which Nathoo received cash from the Bae; and the following are the witnesses; viz. :—

“ 1. Vishnoo Punt Putkee, a dependant of the wukeel, at Sattara.

“ 2. The sons of Jowteput Rowjee, a dependant of his Highness. These two men are the carbarees of the Bae, at Phultun.

“ 3. Nimbalkurreen Bae, in person.

“ IX. The villages of the Punt Muntree, of Islampoor, had been resumed during the reign of the ex-Raja, but were subsequently restored by the present Raja. In effecting this, Nathoo got enam land of the value of 500 rupees per annum, and the following persons are the witnesses; viz. :—

“ 1. The Punt Muntree in person, who resides at Islampoor.

“ 2. Gunput Row Goonay, the wukeel, who resides at Sattara.

“ X. The ex-Raja levied a sum of about 6,000 rupees from Deogheer Munt Gosavee on account of ‘churtee bhutta,’ or daily extra allowance, but the present Raja returned this sum to the Gosavee. In this case Nathoo took a sum of 1,000 rupees; and the following are the witnesses on the subject; viz. :—

“ 1. Axjongeer, the disciple of the late Deogheer Gosavee, who is at Sattara.

“ 2. Mohungeer, who resides at Sattara.

“ 3. The accounts of the aforesaid Gosavee.

“ XI. After the arrest and departure of Ballah Sahib Sennaputtee, with his Highness the ex-Raja, *Nathoo made away with the Sennaputtee's*

*property and cash deposits.* The following persons are the witnesses ; viz. :—

“ 1. Rowjee Deo Rao, the late manager of the Sennaputtee, who is at Sattara.

“ 2. Rowjee Degumbur, now at Sattara.

“ XII. Regarding the cash, &c., which Ballajee Punt Nathoo took away from the Maharaj Sirkar, or the Raja's *state property* ; viz. :—

“ 1. All the expenses which had been incurred on account of ‘raj-kaurun,’ or ‘for purposes of state,’ were recovered by the Resident from his Highness the present Raja ; such being the case, Nathoo, under the plea of having incurred expenses himself, took a sum of 30,000 rupees (3,000*l.*)

“ 2. The present Raja having removed to the neighbourhood of the Residency, Nathoo obtained a fictitious deed from him, in favour of a sowcar (or banker) for a lack of rupees (10,000*l.*), and afterwards recovered the money from the Raja.

“ 3. Nathoo, without lending anything to his Highness, took a deed in his own name for the sum of one lack of rupees (10,000*l.*) ; and, subsequently, on the accession of his Highness to the throne, he recovered a sum of 60,000 rupees (6,000*l.*), but not the balance of 40,000 rupees. Nathoo is in possession of the Raja's wadah, or palace, and although his Highness has been requesting him to vacate and relinquish it, yet Nathoo refuses to do so, until the balance of 40,000 rupees (4,000*l.*) shall be paid to him.

“ 4. Nathoo undertook the construction of the following three grand buildings ; viz., a Julmundeer, the Mundup of the Deity, and a bridge. And while carrying on these works, he embezzled and appropriated for his own benefit a sum of 80,000 rupees (8,000*l.*) out of the sum allowed for their construction.

“ Proofs regarding this are as follow ; viz. :—

“ 1. Bujjabah Purradkur, late Dewan, (or State Minister,) residing at Kurrand.

“ 2. Eshwunt Row Bhow, the present manager, residing at Sattara.

“ 3. Abba Shelgaomkur, residing at Shelgaom, in the Sattara country.

“ 4. Succaram Punt Venchlay Kurr, private carcoon of his Highness.

“ 5. Succaram Nanna Furnavees, of Sattara.

“ 6. The ‘jumma khurch’ accounts of his Highness, from the year 1839 to 1843.

“ Besides the foregoing, the following are items *which have lately been discovered against Nathoo ; viz. :—*

“ 1st. Bhawunchkur Socwar (Banker,) of Punderpore, under the pretence of having become a bankrupt, falsely gave out that 240,000 rupees (24,000*l.*) had been stolen from him. In the inquiry into this matter, Nathoo, with a view to establish it, received a sum of about 6,000 rupees (600*l.*) The following persons are witnesses to this ; viz. :—

“ 1. Babboorow Shettay Dullal, of Punderpore.

“ 2. Hurba Caseekur, of Punderpore.

“ 3. Bawunchhur Sowcar.

“ Some of the papers connected with this transaction, which were found, *exist in the durbar of his Highness ; but owing to the influence of the Resident, the inquiry has not been prosecuted.*

“ 2nd. On the first occasion that his Highness went on a visit to Kolapoor, Nathoo, on the plea of an advance to the Kolapoor Rajah, got his Highness to advance him a sum of 50,000 rupees (5,000*l.*), but which sum he (Nathoo), without paying to the Rajah, appropriated for his own benefit. The under-mentioned persons are witnesses to this fact ; viz. :—

“ 1. His Highness the Rajah.

“ 2. Esw Roaunt Dewan (Minister).

“ The foregoing is a detail of the various *proofs and evidences.* All which it is earnestly requested *may be called for* and brought to Poonah, and an inquiry instituted. The Resident being at Sattara, *if the inquiry were to be carried on there, fear would prevent every one from speaking the truth.* Petitioner, therefore, begs that the inquiry may be made either at Poonah, *or, the Resident being absent, at Sattara, when the Government will become fully satisfied as to THE TRUTH OF THE WHOLE OF THE ALLEGATIONS.’*”

In addition to the *charges against Ballajee Punt Na thoo*, this Schedule of Charges and Evidence contains the following

#### ACCUSATIONS OF BRIBERY AND CORRUPTION AGAINST LIEUT.-COLONEL OVANS.

“ Besides the foregoing, the following two items are applicable to *the Resident at Sattara ; viz. :—*



“ 1. The Resident represented to his Highness that, as the case of the ex-Rajah was pending before the authorities in England, it was necessary that Counsel (or an Agent) should be nominated on behalf of his Highness, and on this plea he got his Highness to consent to the payment of a sum of 1,500 rupees per mensem (about 1,800*l.* a-year) to his (the Resident's) father-in-law (a person of the name of Robertson); on whose death he caused the payment to be continued to his brother-in-law, *who receives it to this day.*

“ At the time the Resident's lady and children proceeded to England, gold bullion and Venetian necklaces were purchased and given to the Resident, to the value of 50,000 rupees (or 5,000*l.* sterling).

“ The witnesses on the subject are as follow; viz. :—

“ 1. Eswont Rao Phonjdar, the present Dewan (or Minister) of his Highness.

“ 2. Succaram Punt Mahajunna, residing at Sattara.

“ 3. Wassoodeo Punt Mahajunnee, a resident of Sattara.”

On the receipt of this Schedule of Witnesses and Documentary Evidence, Mr. Warden addressed a communication to Krushnajee on the 10th July, 1844, to the following effect :—

“ You have made a complaint by letter against Ballajee Narain Nathoo (Ballajee Punt), which is to be investigated; you are therefore summoned to appear at Poonah.”

Krushnajee, in accordance with this summons, appeared personally at Poonah, and in the presence of Mr. Warden made the following

#### AFFIRMATION.

“ Krushnajee Sudasew Bhidey, aged 40 years, a Concunust Brahmin, by occupation a carcoon, inhabitant of Sattara, solemnly affirms before the Agent for Sirdars at Poonah, as follows :—

“ Of the matter contained in a petition dated 14th October, 1843, and a memorandum, dated 19th June, 1844, and presented by me to the Agent for Sirdars, *I speak of my own personal knowledge* on the following points, which I solemnly affirm to be true.

“ Govind Rao Dewan's mother, Girjabae, passed a written instrument to me, that I should make known to the Government the information against Preetap Singh Maharaj and his associates, and receive for the same 1,250 rupees; this agreement I gave to Ballajee Punt Nathoo, in the

presence of Abba Josee, and the former gave it to the Resident in my presence, and *the Resident and Ballajee Punt Nathoo said they would give me the said reward*, and took from me the paper of information I brought, and this grant of such reward to me is noted, as I have heard, in the report of the case sent to England. Of this I passed one receipt for 100 rupees, and another for 50 rupees, to Ballajee Punt Nathoo, which is all I have received: he promised the balance, and detained me on batta twenty months, and after all did not pay me the balance. The twelve papers alluded to, my affidavit, the receipts, &c., are with the Resident, and if sent for, will explain everything. If they have paid me 1,250 rupees, as there are receipts for 150 rupees, so there will be for the balance.

“2. *I have seen* some of the accounts of the Punt Sucheo, *with entries in the name of Ballajee Punt*, to which I allude, and will prove my assertions through them, and the depositions of his managers. The two villages, fraudulently taken by Nathoo, are in the purgunnahs of Moosekhore and Mootekhore.

“3. The entry of 6,000 rupees in the accounts of Babboo Row Pundit, to the debit of Ram Row Survotum Ammatya, *I have seen*, and I will prove by *witnesses*, that Ballajee Punt Nathoo *got the money*.

“4. *I have seen* the entry of 16,000 rupees in the accounts of Gopal Row Kannaday, to the debit of Ramchunder Rao Dufflee, and I will prove by *witnesses*, that Ballajee Punt Nathoo *got this money*.

“5. *I have seen* the entry in the accounts of the Punt Muntree of 500 rupees, to the debit of Ballajee Punt Nathoo; let them be brought.

“6. The remainder of the information brought forward by me, *I will prove*, by *documentary and oral evidence*, and *hold myself liable* for a failure therein, PROVIDED THE RESIDENT DO NOT REMAIN AT SATTARA, pending the inquiry.

(True translation.)

“JOHN WARDEN, Agent.”

In addition to the above affirmation, Mr. Warden took the following bond from Krushnajee, which is dated 17th August, 1844:—

#### RECOGNIZANCE.

“*Recognizance*.—Krushnajee Sudasew Bhidey, Brahmin, a carcoon (a writer or account-keeper), an inhabitant of Sattara, now at Poonah, and who made accusations against Ballajee Narrain Nathoo, is called upon by Judge Warden to give his security for his appearing against the aforesaid

Ballajee Narrain Nathoo, and attending till the case is decided. He therefore declares, that till the case is decided, he will remain in attendance at Poonah; and if he fails of doing so, he will pay the sum of 5,000 rupees (500*l.*), and he is quite aware, that *if the aforesaid sum is not paid, he will be subjected to TWO YEARS' IMPRISONMENT.*"

Krushnajee was further required by Mr. Warden, to furnish security in the person of another, to the amount of 1000 rupees, (or 100*l.* sterling,) which was done. The following is a copy of the bond :—

*" Recognizance of Jagonath Bhutt.—* Krushnajee Sudasew Bhidey, Brahmin, carcoon, who is an inhabitant of Sattara, now in Poonah, has been called upon by the Judge (Warden) to give security, as informant in the case of Ballajee Narrain Nathoo, and to appear at Poonah when required, till such time as the case is decided. I, Megha Sham Butt Bin Jagonath Bhutt, Decknee, Brahmin, Enamdar, who live at Poonah, *agree to be answerable* in the above case for the appearance of the said Krushnajee Sudasew Bhidey, till the above suit be decided; and in the event of his not appearing, I hold myself answerable to pay to the Court the sum of one thousand rupees (100*l.*) I am quite aware that if I do not pay this amount, *I shall be subjected to two years' imprisonment.* It being understood that the abode, or place of the person for whom I now stand security, and for whom the Court required it, shall be pointed out by me, so that his person can be obtained; and till such time as I do so, my bond shall remain in force."

Mr. Warden having adopted these measures, addressed the following letter to the Government :—

#### MR. WARDEN'S LETTER.

*" To the Chief Secretary to Government, Bombay.*

" SIR,

" 1. Several months ago, I received by the post a Mahratta paper, of which the enclosed (Krushnajee's petition of the 14th of October) is a translation.

" 2. As it has been usual for the Agent for Sirdars to communicate with the Government on alleged misconduct by Sirdars, as the mode of inquiry asked for in the present instance by Krushnajee Sudasew is that ordered by Government in the case of Dadjee Appajee Seweya, excepting only that the committee on him was a native one, and as *Ballajec Punt Nathoo* is

not only a Sirdar of the second class, and a Pensioner to the British Government, 'during good behaviour,' but is the most favoured of all those who, on the accession of the British Government to the Deccan, were styled 'British adherents;' IT DID NOT APPEAR RIGHT that I should disregard such serious complaints against him, and so earnest an appeal to me, as the Agent of Government in immediate communication with the Sirdars, although those complaints relate to the acts of Ballajee Punt Nathoo when employed in the Sattara country; and I therefore, as a preliminary step, called on Krushnajee Sudasew to state the grounds on which he preferred these charges of extortion, fraud, and abuse of authority.

"3. The enclosure, No. 2, (the list of witnesses and other evidence) is the answer he has brought me, in which he has introduced two additional charges against Ballajee Punt Nathoo, as well as matter relating to the Resident at Sattara; and I feel that I only perform my duty in laying both papers before the Honourable the Governor in Council.

"4. As, however, it would be most unjust to the Resident and Ballajee Punt Nathoo to allow Krushnajee Sudasew Bhidey to prefer these accusations without confirming such facts as are within his own knowledge, by legal solemn affirmation, and placing himself within the jurisdiction of a British Court, empowered to punish him for defamation; I have taken the solemn affirmation, of which the enclosed, No. 3, is a translation, and obtained from him security to the amount of 1000 rupees, besides his personal recognizance to the amount of 5000 rupees, for his appearance at Poonah, till the inquiry which may be ordered shall have been completed.

"J. WARDEN.

"Agent's Office, Poonah, 19th August, 1844."

#### DECISION OF THE BOMBAY GOVERNMENT.

According to the papers laid before Parliament, the letter of Mr. Warden and its accompaniments were taken into consideration by the Government of Bombay, on the 21st of November, 1844, when it was the unanimous opinion of the Council, that the whole of the charges should be DISMISSED WITHOUT INQUIRY, and they were dismissed accordingly. On the 12th of December 1844, Krushnajee petitioned the Bombay Government to be made acquainted with the decision which had been come to, relative to his charges; he being still within British jurisdiction, and under heavy recognizances to make good his accusations. The following

is the reply which, nearly two months afterwards, he received from Mr. Willoughby.

FINAL ANSWER TO KRUSHNAJEE.

*“ To Krushnajee Sudasew Bhidey.*

“ In reply to your petition, dated the 12th of December last, I am directed by the Honourable the Governor in Council to inform you, that Government having given the complaints and accusations contained in your representation against Lieutenant-Colonel Ovans and Ballajee Punt Nathoo *the fullest consideration*, has dismissed them under the conviction that YOUR STATEMENTS ARE NOT WORTHY OF THE SLIGHTEST CREDIT.

“ By order of the Honourable the Governor in Council.

(Signed)

“ J. P. WILLOUGHBY,

“ Chief Secretary.

*“ Bombay Castle, February 4th, 1845.”*

Now, gentlemen, what is your opinion of the Bombay Government? You have the conduct of that Government before you, first in the case of the Raja of Sattara, and next in the case of Col. Ovans and Ballajee Punt Nathoo. In the former case, a charge was preferred against a prince who for twenty years had maintained an unsullied reputation, and by his virtues had extorted the highest praises from the Government of this country. This charge was brought by two sepoys, one of whom confessed at the time that he had taken an oath which he never intended to keep. Did the previous character of the Raja, and the acknowledged perjury of the witness, prevent an inquiry? No. Forthwith a secret commission was appointed to take the evidence of the subjects of the Raja, in the Raja's own capital, and the accused himself, so far from throwing any obstructions in the way, gave up every witness that was called for, and even urged the Government to take his kingdom and administer its affairs, until he had established his complete innocence by the process of a full and rigorous investigation. That charge breaking down, every hateful stratagem was resorted to, to convict the Raja. Still, the whole of the evidence taken together was declared to be unworthy of credit, and at last this enlightened ruler was deposed, because he

would not put his seal to a declaration of his own ingratitude and infamy. Now turn to the case of Col. Ovans, and Ballajee Punt Nathoo. A man who was at first represented as a credible witness, who was retained for two years in the pay of Col. Ovans, and at last dismissed with a handsome gratuity, comes forward and prefers charges against his former employers; he brings himself within British jurisdiction, he supports his accusations by a long array of evidence, oral and documentary, he makes a solemn affirmation on oath to the truth of his charges, he enters into heavy recognizances, he finds security, he makes himself and his bondsman liable to imprisonment in default of substantiating his charges, a British judge goes through all the preliminaries necessary to a grave judicial investigation, and on presenting the case to Government declares the importance and necessity of an inquiry; and what is the result? The accuser, the charges, the securities, and the evidence are all dismissed as utterly unworthy the slightest notice or credit. What is the reason assigned for this conduct? The previous good character of the parties accused, and the present bad character of the accuser. Was this the rule adopted in the case of the Raja? Let those present lay their hands upon their hearts, and say. Let it not be forgotten, too, that the trial sought by Krushnajee was a *fair trial*, while, in the case of the Raja, there was *no trial at all*. In the case of Krushnajee, it was an impartial trial, in open court, that was sought, the *accuser* being a poor and friendless man, and the *accused* having the whole strength of the Bombay Government, with its vast resources, at their command. Ballajee Punt and Col. Ovans would not have been convicted without a hearing. The Raja was convicted without a hearing, ay, without even being furnished with so much as a copy of the charges against him. In the Raja's case, every tittle of evidence was concealed from him; in the case of Ballajee Punt and Col. Ovans, the charges and evidence were instantly sent to them, and the Government did no more than copy into their decisions the words that were sent to them by the accused. But why need I contrast these two cases? They are equally infamous, and are, I believe, without a parallel in the history of the world. The deputy-

chairman, when he stood up in the House of Commons, exhausted his powers of language in heaping eulogiums upon Col. Ovens, and all possible opprobrious epithets upon Krushnaje. The first was all that was manly, and gallant, and honourable; the last was a monster of iniquity, a "liar," a "scoundrel," and a "villain." Now I call upon that hon. director to-day, to prove the justice of what he then said. I have gone through every deposition and every petition emanating from this man, Krushnaje. I have weighed every word of which he is the author, and I am prepared to say, that a more coherent, a more consistent, a more consecutive narrative of events I have never met with. From first to last I can discover no contradiction, no discrepancy. I do not vindicate the original act of Krushnaje, supposing him to have been cognizant of the conspiracy against the Raja; but putting that offence out of the question, his testimony is that of a talented and truth-telling man. But if his testimony is to be rejected because he was at first one of the gang who conspired against the Raja, then what, let me ask, becomes of all the witnesses who have supplied the evidence that fills these blue books? What becomes of the perjured Soubadars, the wretch Untajee,—steeped in perjury,—the oft convicted liar, Sukharam Bullal, the leader of gang-robbers, Balkobar Kelkur, and the rest of the demon crew, upon whose vile testimony you are compelled to rely for every figment of *ex parte* proof against the Raja? I tell the deputy-chairman, and I challenge him to the test, that he cannot find one witness against the Raja whose evidence will for a moment bear comparison with that of Krushnaje Sudasew Bhidey. Let him take up the gauntlet, if he dare. But, say what you will of Krushnaje, I contend that it ceased to be a question regarding the character of the accuser the moment he gave up the names of his witnesses, and referred to the documents in which would be found the proofs of the truth of what he said. Look at his schedule of evidence! Tell me if it does not contain the names of persons who, with the exception of the Raja, stand highest in rank and respectability of station throughout the whole of the Sattara territory. Who are his witnesses to prove the charge of corruption against Colonel Ovens?

One of them is the Dewan, or Minister, of the Raja himself. To what documents does he refer? *State documents*, and the records of Jagheerdars. If you still tell me that Krushnajee was a bad character, I ask you if you have ever read the State Trials of this country and of Europe; and if you have, I ask you if the greatest judicial questions that have ever engaged the attention of lawyers, and called into exercise the highest forensic talent of the age, have not had their origin in the information given in the first instance by some Judas in the plot, or some repentant criminal, who, shrinking from the enterprise in which he had engaged, gave notice of the meditated treason. Talk of Krushnajee! who was Titus Oates? Who are the spies and informers employed by our own and all other Governments? Does the Home Secretary refuse information, because the man who brings it is not a paragon of perfection? Do the judges at the Old Bailey refuse the evidence of accomplices? If told that a barrel of gunpowder had been placed in your cellar, and that the train was to be fired at midnight, would you refuse to look there, because the man who gave you the information was a bad character, or because you thought he was influenced by malicious and disappointed feelings? What have we to do with the motives of Krushnajee, except as they affect the man's own character? We have to do with his charges, and with his living witnesses, and with the books and records he refers to. Describe his motives as you will, what have they to do with books, and persons, and bankers' accounts, and the transfer of property. If a rogue, he gave you the amplest means of proving him one. If a liar, you had only to produce the records and persons he referred to, to prove that he was one. He had placed himself in your hands—he had braved ruin and infamy, and a dungeon—he had once, twice, thrice sworn to the truth of his statements. Why, then, I ask, was there no inquiry? Why was all law and all justice outraged and trampled upon by the Bombay Government?

In justice to myself, but still more to those who are absent, and some of them far away, I must notice an expression made use of, and repeated, in the House of Commons by a member of this Court. The deputy-chairman in the course of a speech, to which I have more than once before alluded, declared his conviction that the em-



ployment of paid agents had been the cause of the Raja's ruin, and his belief, that, but for paid agents in India and in England, the Raja would have been still on his throne. Not content with this, he exclaimed with uplifted hands, that the employment of paid agents by princes and others, in India, was the greatest and heaviest curse that country had to bear. Now, sir, I must, for myself, say—and I am glad to see in this Court those who can bear their testimony to my truth and sincerity—that I did not take up this question for the sake of money. I did not enter this Court in behalf of the Raja, as his paid agent. What I did for the Raja was all unknown to him, till the public journals told him of my existence, and of the interest I felt in his cause; and my only reward was, the trouble I took to inform myself on the subject, and the payment of my own expenses from my residences in Manchester and Edinburgh, to attend your Quarterly or Special Courts. But what, if I had been paid—what, if I am now paid—what, if others have been, and still are paid, while toiling in the cause of this injured prince, or of any other native of India! Is that a reason why they should be denounced in the British House of Commons (where they cannot vindicate themselves) as the curse of India? Is it because they are *paid*, that they are the curse of India? If not, what have they said or done, calculated to inflict a curse on India? Point me to the paid agent of a dethroned prince, or of any other injured native of India, who has inflicted a curse on India? What do these words mean? Were they intended to convey the idea that the friends of the Raja were sordid in their motives? I will answer for myself. I tell the gentleman who uttered these words, that, had gold been my object, I have not wanted the opportunity to acquire it, by prostituting the gifts of God to the cause of oppression and misgovernment. Paid agents! Is it a disgrace to be a paid agent? Granted that it is. That gentleman is a lawyer. Did he take no money with his briefs? He was registrar of the Supreme Court in Calcutta. Did he take no fees? Did he reject all perquisites? Did he scorn all the rich emoluments and pickings of his office? Or, did he return with bloated wealth to England, to revel in luxury at the west end of London—there to feed the aristocracy—to find his way, *somehow*, into parliament, and then, safe from the fear of a reply, to lift up his

hands and exclaim, "paid agents on behalf of native princes, are the direst curse of India!" He is a Director. Does he take no salary? Does he scorn all patronage? Does he leave his fee for attendance on the board-room table! Paid agents are a curse! Will he say so in Westminster Hall? Will he tell the Lord Chancellor, and the primates, and her Majesty's ministers, and the bench of bishops this? or will he reserve all his indignation against paid agents for the humble advocates of the Raja of Sattara, and pour it out when he gets at the back of the treasury bench, and knows that, for the nonce, his parliamentary privilege saves him from the possibility of listening to a reply? Paid agents! What leads so many of the Directors to neglect their duties under this roof, that they may manage insurance companies, and dabble in railways, and be "GUARDIANS" here, and "PELICANS" there, and "ATLASES," and "ROCKS," and "GLOBES," and "UNIVERSALS," elsewhere and everywhere? Is it public spirit? Is it pure patriotism? Or is it the certainty of present pay, and the pleasant prospect of large premiums upon reserved shares? Paid agents! Sir, I will never hear that word uttered, here or elsewhere, as applied to those who are honestly, though humbly, and it may be unsuccessfully engaged in the cause of justice, but I will resent and expose it as a cruel and unmanly attack, proving only the want of argument and the malevolence of the man who utters it, and nothing better than an imputation on the justice of a universally recognized maxim, that the labourer is worthy of his hire; and most of all so, when his toils are virtuous, and his motives are pure. Having given utterance to my feelings upon this subject, I will conclude with one additional word upon the topic immediately before the Court.

I am about to call upon this Meeting to declare their opinion that the whole of the evidence taken against the Raja should be placed in his hands, and that the opportunity should be given him of meeting the charges brought against him. Let me entreat you to consider well before you vote upon this question. Hitherto you have refused a hearing. Once more I implore you to reconsider the matter, and to reverse your decision. I shall also call upon you to declare your conviction that the charges contained in these recent papers against Colonel Ovans and Ballajee Punt Nathoo,

should be fully investigated. Can you, will you refuse this? Do not go away with the notion that you can save Colonel Ovans from disgrace, by refusing inquiry, and by pronouncing eulogiums on his character. You can do no such thing. Nothing but a full and honest inquiry, and the refutation of these accusations, can save him, either from the suspicion of guilt or the charge of moral cowardice, arising from an inward consciousness of his inability to prove his innocence. Should this Court resolve upon inquiry, my task for the present is done. Nothing will fall from my lips upon the subject pending the issue of a judicial investigation. When I see the Directors and the Proprietors moving in the right path, I will commend them, and if possible aid them; but if inquiry be again refused, then I shall feel it my duty to persevere in my present exertions. Beyond these walls I will endeavour to rouse the indignation of my countrymen against the horrible injustice practised by this Company and its executive; and I misjudge the British public if I am wrong in my belief, that when the proceedings of this house are known, there will be one burst of execration from Aberdeen to Cornwall. No vote of this house, when contrary to the plainest injunctions of all law, human and Divine, will have the effect of silencing me. I shall come again and again, until perchance you may grant to my importunity what you have thus far denied to reason, to argument, and to justice. (Loud cheers.) I now move the following resolutions:—

*Resolved*,—That in reference to a document sent to the Bombay Government, in 1837, purporting to be a petition from Girjabae, the mother of Govind Rao, implicating in plots against the British Government, the deposed Raja of Sattara, and twelve other persons, by name; the following facts are established by the printed papers now laid before Parliament, namely,—

1. That in two declarations, made in the most solemn manner, that a Brahmin woman could make, and at a distance of five years the one from the other, Girjabae has deposed that she gave no petition of any kind, or at any time, of the nature ascribed to her by the Resident, Colonel Ovans.

2. That, in the second of these solemn declarations, Girjabae affirms that she never had but one interview with Colonel Ovans, which interview took place with the permission of his Highness the ex-Raja,—was in the day time, between the hours of eleven and twelve—and, that it was for the express purpose of preventing the removal of her son: whereas, Colonel Ovans reported to the Government that Girjabae came to him by night, and admitted the contents of the petition ascribed to her to be true.

3. That Vishnoo Kessoo Dewasteley, the brother of Girjabae, described by Sir Robert Grant, the Governor of Bombay, as an adviser of his sister, in reference to the petition ascribed to her, and whose deposition as a witness on the Goa charge is printed at length in the Parliamentary papers, p. 821, (No. 569,) as having been taken down by Colonel Ovans, on the 17th of February, 1838, has solemnly declared that he never gave a petition in the name of his sister, and that he never appeared as a witness on the Goa charge, nor had any communication whatever with Ballajee Punt Nathoo, or with Colonel Ovans, on the subject.

4. That Govind Rao, the son of Girjabae, was, at the instance of Colonel Ovans, removed from mild restraint at Poonah, and sent under guard to strict confinement in the fortress of Ahmednuggur, with orders to the British judge there, that all intercourse, except with his own servant, should be prohibited, and that his letters should be intercepted. That Govind Rao, when thus under strict confinement, made, to an emissary of Colonel Ovans, deputed to him for that purpose, and at the expiration of many days of secret communication, a confession, which he has subsequently declared to be false, and to have been extorted from him by the above means.

5. That the evidence of Krushnajee Sadasew Bhidey, authenticating the authorship of the petition ascribed to Girjabae, and contradicting the report of it which Colonel Ovans had made to the Government on the 17th of July, and 12th of August, 1837, and declared by him to be “conclusive and satisfactory,” was withheld by Colonel Ovans from the knowledge of the Govern-

ment, from the 7th of September, 1837, until the 16th of August, 1838, a period of eleven months.

6. That Colonel Ovens paid to Krushnajeé Sudasew Bhidey, a gratuity of fifty rupees, on his coming to Sattara to give evidence, and entertained him there as a witness, on a salary of five rupees a month, for a period of nearly two years, and until the Raja was dethroned; and then dismissed him with a donation of one hundred rupees. Therefore,—

*Resolved*,—That from the foregoing facts, established in evidence, it is the opinion of this Court, that it is due to justice, and the honour of the British name, that the whole of the evidence upon which the ex-Raja of Sattara has been deposed, should be furnished to his Highness, and an opportunity afforded him of defending himself from the charges brought against him.

*Resolved*,—That it is established in evidence, that Krushnajeé Sudasew Bhidey placed himself within British jurisdiction, and was bound over by a British judge, in heavy recognizances, to prosecute certain grave charges, made by him against Colonel Ovens, late Resident at Sattara, and against Ballajee Punt Nathoo, the confidential adviser of the Resident, and that he produced at the same time, a list of witnesses and documents, to substantiate the same. Wherefore, it is the opinion of this Court, that it is essential to the ends of justice, as well as due to the character of those two persons, that the charges above-mentioned should be investigated.

Mr. SULLIVAN. Sir, I am anxious to take an early opportunity of stating to the Court, why my name appears appended to the requisition convening this meeting. I think we (the requisitionists) should have been perfectly justified in calling this Court together, even though we had been in possession of no new matter to bring before it; for it appears to me, that every man who loves fair dealing, or who considers the Raja of Sattara to have been deeply injured, is bound, at the earliest practicable period, to call upon this Court, to rebut the very serious misrepresentations which have been made by an honourable member of this body, during a recent debate in the House of Commons

(hear, hear,) misrepresentations which I have no doubt arose from his imperfect information upon this subject; for this is a case, the proceedings in which are so voluminous and entangled, and in many of its particulars so contradictory, that it is not to be expected that every man can command the leisure to make himself master of it; still, sir, I am bound to say, that it was a representation containing the *suppressio veri* to a most extraordinary extent. This circumstance would be our justification, and a sufficient one, if we had no new facts to submit to your consideration. (Hear, hear.) But, sir, we have new and important matter to propound. We have fresh evidence, which, without any other, goes to prove that the Raja of Sattara has fallen a victim to one of the most flagrant conspiracies that ever was hatched; and, to their great disgrace, the Bombay Government have refused to inquire into that evidence. Having said this, I nevertheless fully concur in the opinion expressed by the Bombay Government, that it would be the grossest injustice to a public officer to subject him to the mortification and obloquy of a public inquiry upon every vague or foolish charge made by persons of suspicious and disreputable character. If charges of a criminal nature, so preferred, were to be always seriously noticed and dealt with, it would be next to impossible to carry on the government of India; for just in proportion to the vigilance, integrity, talent, and zeal with which that administration was conducted, would be the spirit of enmity which would be awakened against the administrators, by individuals who were suffering from the effects of those very qualities. But, when grave charges of a specific nature are preferred against a public officer—when evidence the most full and the most respectable, is adduced in support of those charges—when the accuser binds himself under heavy penalties to substantiate his accusations; then the case assumes a very different complexion, and Government, in the discharge of its duty, has no alternative but to inquire; and is guilty of a gross neglect of its functions, if it does not instantly investigate them: for it is obvious, that if we were, as a rule, to permit previous purity of character, and length of service, to stand as a bar to inquiry into charges of a serious nature against our officers, we should open a wide door to every species of misgovernment. Not that it follows as a matter of

course, that charges which appear to be well founded, are really so ; for none but those who have had melancholy experience upon the subject, are capable of judging of the audacity with which accusations are preferred in India, or of the ingenuity with which they are supported : so that it often happens, as it might have happened in this case, that charges which appear to have some measure of proof to support them, turn out to be nothing better than the result of a deep and well-organized conspiracy. But these results can only be known by a searching inquiry. I take upon myself to state, without the least fear of contradiction, that the refusing an inquiry into these charges, by the Bombay Government, was a departure from all precedent. In this case they have been guilty of a very serious dereliction of public duty. But although I am astonished at the conduct of the Bombay Government, my astonishment is still greater that Col. Ovans himself did not insist on an inquiry, or that he did not instantly demand a prosecution of this man, whom he has represented as having grossly libelled him. Such a prosecution which would have necessitated a full and impartial consideration of those charges, and given, not only the accuser an opportunity of proving them, but himself also an ample opportunity of repelling them, and so of obviating the effects of what may possibly be a mere calumny, but is nevertheless now resting upon him, and exposing him to odium. I cannot help expressing my astonishment also upon another subject, and that is, to see the name of Mr. Willoughby appended to these resolutions of the Bombay Government ; resolutions which are, in fact, couched in the very words of Col. Ovans himself. Now, sir, looking at the circumstances of that gentleman, and considering how deeply he, as well as Col. Ovans, is implicated in every transaction connected with the Raja's case, it is to me a matter of profound wonder that Mr. Willoughby did not take an early resolution, that whenever this case might come before the Bombay Government, he would absent himself from the Council, and leave it to be dealt with by those who had no previous or personal interest in it. (Hear.) I have said, that I think it would be the grossest injustice to subject any individual to the ordeal of public inquiry on every futile charge that might be brought against him by persons of known suspicious character, and on loose evidence.

What then, Sir, must I think of those who have inflicted the most tremendous penalties on the Raja and his friends, without any trial at all? (Hear, hear.) This is what you have done with regard to the deposed ruler of Sattara (Hear.) Sir James Carnac dethroned the Raja of Sattara because he would not acknowledge himself guilty of charges, the evidence in support of which he had not been permitted to see; and the Court of Directors have confirmed that act. Here, sir, is the essence and the pith of all the bulky volumes which have been collected, printed, and published upon this subject. This is the naked and glaring fact, which not all the eloquence of Cicero and Demosthenes would be able to overturn. Sir, is it a matter of surprise, or should it be a matter of reproach, that we are pertinacious in our prayer? The question is not whether this cause has been agitated ten, fifteen, or twenty times, but whether it is a good cause. If it is, our pertinacity is commendable; for a man of principle cannot give up a good cause. Our abandoning it would be adduced against us as a proof of its being untenable. I ask those hon. gentlemen who are members of the House of Commons, whether that is not the principle that is recognized there?—Whether, when Mr. Villiers gets up with his annual motion for the Repeal of the Corn Laws, he is met in the manner shown towards us? Is he told,—“Sir, what you have said now you have said before, and we have answered you. We have heard your arguments, and have refuted them, and it is therefore very pertinacious and unseemly in you, to be so besotted and bigoted in your own opinions.” Is this the language that is used?—I trow not. The arguments of Mr. Villiers are year by year weighed and discussed on their merits, divisions take place periodically, and what is the result? Why that every new discussion gives strength to the hon. member (Hear, hear! from Mr. Thompson.) It is not a question now whether the Corn Laws are to be repealed at all, but when they are to be repealed. (Cheers.)—And so it has been with every great question. Let me refer to the experience of Mr. Poynder. How was he, in times past, met?—Precisely as we are now met by you. What has been the result?—We have it now before us. All his questions have been carried. (Cheers.) I beg to tell the



Court, that the only effectual way of preventing the re-agitation of this question is, fairly, honestly, and at once to discuss it upon its merits. I affirm, without fear of contradiction, that the Directors as a body, have never yet discussed this question upon its merits. (Hear.) I affirm, too, that those who have voted against the motion for inquiry, have systematically evaded the real merits of the question. It is true, that the case of the Raja has been repeatedly and most powerfully stated in this Court for the last six years. His cause has been most ably advocated by the late Mr. Charles Norris, by General Robertson, by General Briggs, by Colonel Lodwick, by Colonel Sykes, by my learned friend, Mr. Lewis, and most ably by the hon. proprietor below me, Mr. Thompson. Now, sir, let me ask the Court what has been the answer to those gentlemen? One hon. gentleman has got up and said, "Sir Robert Grant says so and so, and Sir Robert Grant is an honourable man;" another says, "Mr. Farish says so and so, and Mr. Farish is an honourable man;" another says, "Mr. Reid concurs in opinion with these gentlemen, and Mr. Reid is an honourable man." Another says that Colonel Ovans and Mr. Willoughby went into an inquiry, and at the end of it pronounced the Raja guilty,—that they, too, are honourable men, and that their judgment has since been confirmed by the Indian Government and the Board of Control. This, sir, is the way in which the merits of the case have been evaded. There has not been one gentleman, who, in my hearing, either on this side of the bar or on that, has told you that Sir James Carnac was justified in dethroning the Raja, because he would not acknowledge himself guilty of charges, the evidence of which he had never been permitted to see. No man can fairly get up in this Court and raise even a presumption of the Raja's guilt, except after a searching examination of the evidence upon which the charges against him are founded. Such an examination you have always refused to grant. No man has got up in this Court and told us why the Commissioners (who, let it be remembered, were appointed by the Bombay Government for the special purpose of making a fair and impartial investigation into this case, and who solemnly promised the Raja that he should be put into possession of the evidence against

him) have broken their promise to furnish the depositions, while at the same time they proceeded to deal with the Raja, as if they had put the evidence into his hands, and duly considered his reply. I say, no one has ever grappled with these important points of the question. I confess that until I hear them met, I shall feel it my duty always to lend my aid to the re-agitation of this question. I shall do so as a matter of stern duty. We are told by the highest authority to be unwearied and unsparing in our efforts to obtain redress for the injured. I shall re-agitate this question, because I consider that the title of every chief and prince in India, and the retention of his possessions, depends on the issue of this great case. (Hear, hear.) If it really be competent to the local Governments, with the sanction of the Court of Directors, to depose a chief or prince in India on the strength of charges, the evidence of which he is not permitted to see, who, I ask, of that class, is safe in his possessions? I shall re-agitate this question, because I most perfectly concur in the opinion which was pronounced half-a-century ago by the great Duke of Wellington, that a breach of faith and justice is not only a breach of morality, but the grossest political blunder. I shall continue my exertions, because I am firmly of opinion, that one main element of your authority in India is the sense which the people entertain of your justice, and that if you shake that opinion, you will shake to the very centre the foundation of your power. (Hear.) You have dealt with the Raja as you could not have dealt with the poorest individual in your domains. There is not a peasant who tills the ground, who can be deprived of his land except by a regular sentence of a judicial tribunal. And yet you have spoiled this Raja of his power, his authority, and his property; you have degraded and banished him, without any rightful authority at all, I say, and will say again and again,—*without even a pretence of any legal authority*. I am sorry to be obliged to repeat in this Court, that a charge does not criminate. You cannot take one step towards justice until you have put the accused in possession of the evidence against him, and given him an opportunity of rebutting it. Have you in this case taken that course? I deliberately make my appeal to your own records, when I say that you have

not done so; and therefore I affirm, that the Raja of Sattara has been plundered and oppressed without even the form of a trial, or the pretext of a legal sanction. Now, is it the opinion of this Court that the proceedings in this country can pass without observation and animadversion by the people of India? If such an impression prevails, I will undertake to say it is as dangerous as it is erroneous. No, sir, the people of India are an observing, a thinking, and a shrewd and intelligent people. They thoughtfully weigh all your actions; they compare all your present acts with the acts of the Governments that have preceded you, and they strike an even balance. They know, sir, the advantages which your Government gives them; they know that you, by your immense military strength, can do what none of your predecessors were able to do; namely, protect them from external violence and from internal convulsion. If you be true to your avowed principles, your Government cannot injure the poorest peasant in his hut, except after the sentence of a judicial tribunal. So long as you act upon those principles, so long will the natives of India consider that their advantages preponderate over the many disadvantages which your Government imposes upon them. Once shake their faith in your justice, and they will see no advantage in supporting your administration. I will venture to repeat what I have before said was my conviction, that if these proceedings in the Sattara case were published in the native language, there would be one shout of execration from the Coromandel coast to Delhi, at the flagrant enormity of which you have been guilty. I hope I shall not again hear that stated, which was said on a former occasion, namely, that this Court has disposed of the case, and that it is not now in their hands; that therefore they can do nothing in it. When I last had the honour of addressing the Court upon this question, I adduced a precedent in which all the authorities in India and in this country concurred in deposing a Raja on evidence similar to that upon which you have deposed the Raja of Sattara. When I mentioned the case, an hon. proprietor on my right hand, whose profound knowledge upon these subjects so often enlightens us, told the Court that I was telling a fairy tale about some Raja on the Malabar coast.

Mr. WEEDING. If the honourable gentleman means to allude to

me, I distinctly contradict the truth of his statement, which I have seen in print before ; but it is totally incorrect. I know where Tanjore is as well as the honourable gentleman ; I have been on the coast of Malabar, and therefore to allege that I stated what he has said, is a great untruth.

MR. SULLIVAN. I can only say I heard you say it ; I am aware, however, it may have been a slip of the tongue.

MR. WEEDING. It is not possible that you could have heard me say anything of the kind. I have been on the coast of Malabar, and know Tanjore as well as you do.

MR. SULLIVAN. Sir, I was recounting the history of the case of the Raja of Tanjore, on the *Coromandel* coast. Now, sir, I have heard no answer to that quotation of precedent, although the case is strictly in point. What is it we ask you to do ? Do we ask you to restore the Raja of Sattara ? No. We ask you to redeem the promise which was solemnly made by the Commissioners, and which was ratified by Sir Robert Grant and Lord Auckland—we ask you to put the Raja, even at this eleventh hour, in possession of the evidence upon which you have convicted him. Is there a man in this Court can refuse such a reasonable request ? I wait with impatience to hear an answer. I shall only, in conclusion, repeat the expression of my surprise and delight, that considering the extraordinary influence which has been used against the Raja by the Governments of India for a series of years, that he should have passed through this ordeal, in my opinion, with unsullied honour and perfectly unscathed. (Cheers.)

MR. POYNDER. Sir, As my honourable friend, Mr. Sullivan, has stated why he *did* sign the requisition for this Court, I may be permitted to say why I did not do so. The only reason was, that being an invalid, and forced to seek a change of air, I was not in town, or I should certainly have been amongst the first to have supported the opinion which I have humbly ventured to state in this Court, and still more humbly to defend, that the treatment of the much-injured Raja of Sattara calls most loudly for redress, and has claims upon you, I am almost inclined to think, even stronger than any of those subjects (dear as they have been to my heart) upon which I have so often and so anxiously addressed you. (Cheers.)

I quite agree with the last speaker with respect to the course pursued in the House of Commons in this matter—that it was the *suppressio veri*. I entirely agree with him in every portion of his statement; and I also beg leave to say, I think the *suppressio veri*, if ever it was the case in logic, was upon that occasion the *suggestio falsi*. I do not intend to occupy much of your time, I want no triumph; my conviction upon the matter is this, that the original mistake was in the attempt made by the Indian authorities to deprive this man of a plain, simple, just and righteous claim to the Jagheers named in the treaty. (Hear.) I believe that, because the Raja could not obtain justice, because justice was openly and scandalously refused him, and he continued to demand it, that therefore those plots were formed, which have led to all the misery we have since witnessed, and all the embroilments, confusion and distress which have followed, both in India and in England. It was because that original blunder was committed—because the authorities abroad were resolved to support one another, and carry themselves thick and thin through all their acts, and brought them to this unworthy result—that this whole business is now before you, and comes so often under discussion in this Court. It is by no means my intention to make any undue reflection on the persons in authority in India, one of whom was Sir Robert Grant, whom I am sure no one can more honour and respect than myself, and I would not say one word against him, especially as he is called to his great account. I would be one of the last to throw a stone at any act of his, or at any document which emanated from him, or on anything that he may have done, suggested, or advised in this matter;—still I cannot but impute to him very unnecessary delay in coming to a conclusion upon the subject of the Jagheers. After so many attempts to obtain a decision, delay was certainly very much to be deplored; but certainly the delay took place. We have heard of the delays of the law, and the delays and uncertainty of the Court of Chancery. The *ex-parte* statement made, and general evidence produced, against the Raja, turns out to be of the most false fraudulent, and fallacious description. It is one tissue of tergiversation from beginning to end. I speak after some experience in my own profession, having been engaged in the examination of evidence for forty or fifty years, and

I venture to say, I have never yet seen a case which is so perfectly fallacious, and so unworthy of being acted upon, even in India, much less in England. I do not wish to speak ill of the Indian character. No one can think of it more highly, or love it more dearly than myself; but notwithstanding, the Indian character, like our own, is very *bad* or very *good*. Often, we know, that the corruption of the best thing turns out to be the worst kind of corruption. It is the best, as it falls under the influence of cultivation, civilization, and religion, with all the sanctions that are attached to these great principles; but it is the worst, when it falls into the hands of such villains, knaves, and wretches, as those who have been called to depose against this most injured and insulted Raja. In fact, it is a portion of injury, that insult should be added to it. Wherever wrong is committed, (we find it in the history of all nations,) it becomes the necessary duty of those who are resolved to go all lengths to support it, to shelter, shield, and save themselves as well as they can, by adding one fraud to another; so that, as an old divine very truly says, "one lie must be thatched by another." I never saw testimony so disgraceful and scandalous as in this case. If men are to rely upon that testimony, then I must come myself to the conclusion to which they did abroad, that the honourable Directors did at home; but that evidence itself requires examination and sifting. How is this to be done, but by putting it into the Raja's hands, and letting him know what has been done?

Here is a petition in this man's hand, in which he tells you what he wishes; he comes on his knees to implore a hearing, and yet you refuse it—I feel as my friend does, that this thing must come out; it must be known; if India could bear it, England will not. Who is to palliate that which is unjust, or to endure that such things as these be done in open day? With respect to Sir James Carnac. It is with pain and affliction, mingled, that I advert to his name. Personally, I esteem him; but his official conduct in this matter will go down to posterity as the foulest act that ever disgraced England. If he were here, I would say so to his face. I cannot but feel that something is due to him; and therefore, if he can answer, let him disprove the evidence, and thereby clear himself. I am

surprised and astonished how any man, living at this time of day, and moving in such a grade of society as Sir James Carnac, can be seen, and known, and walk about, and not ask and *pray* for an inquiry into his case; for it is as much his case as it is that of Colonel Ovans. There is one honourable gentleman among those who hear me—a man who is above all suspicion—I allude to General Robertson—he has declared every one of these Jagheers is rightly and fairly claimed by this the Raja, and he has told you his reasons both in print and otherwise. Then, with respect to Colonel Lodwick, what can be more upright than his conduct? What more faithful, honest, and manly? Sir, these things are not, and cannot be got over; they are not to be slurred and put aside; it is in vain to expect that you can do that. I still desire to detain you a few minutes with one or two concluding observations, taken from the Raja's petition. I think there is something so reasonable in it, looking at the wrong and injustice dealt out to him; that there is something so temperate, so patient and I had almost said so Christian (and there are some cases in which Heathens might read strong lessons to Christians), that you cannot but be moved by what he says. The words to which I allude are these, "Compensation for past injuries I cannot receive. Full reparation, it is not in the power of the British Government, or any earthly power, to grant me. The sufferings I have endured through a departure from the principles of fair and upright dealing on the part of those who have conducted proceedings against me, can never be atoned for. For more than five years I have been an exile from my native hills, and subject to the miseries of captivity in a strange and unhealthy region, and worse than all besides, I have been made to feel tortures inflicted by the knowledge of the infamy with which my name has been branded. No wealth or prosperity, therefore, which I can venture to hope I may hereafter enjoy, can be any adequate compensation for such inflictions. Nevertheless, if permitted to rescue my character from the disgrace which has been heaped upon it, and to establish my innocence to the satisfaction of the British Government, I shall readily forgive the wrongs I have endured, and be ever grateful for the magnanimous interference, though late, of the head of the Indian Government in my behalf." He thus touchingly concludes:—

“Until I receive your reply, I shall draw comfort from the belief that an unjustly deposed and exiled Prince, though fallen in his fortune and injured in his character, cannot make an appeal to you in vain.”

All that the Raja asks, as has been well said, is “a hearing.” All that we have hitherto said in support of him—every argument in favour of his cause—has been for a fair hearing. Whether the hearing be far away over the water, or here, no matter,—let your agents be uncorrupt, honest, and honourable, and justice will yet be done. I feel that the honour of my country depends very much upon the decision to which the Court of Directors may eventually come upon this subject. I have personally received nothing but kindness and honourable treatment at their hands, and they therefore have my best wishes for the continuance of their reputation. I am only one of the many, who again ask, that justice be done to the Raja of Sattara; and I will not think that I shall live to be refused. (Cheers.)

RUNGOO BAPOJEE, the Native Agent of his Highness the Raja of Sattara, then rose, and, addressing the Court in the Hindostanee language, said, that he was very desirous of making a few observations, but did not possess a sufficient knowledge of English to enable him to do so in that language. The case of his injured master would be found in the printed papers, which, though compiled by enemies, proved that truth and justice were on the side of the accused, and that the Raja had been the victim of a cruel and wicked conspiracy. He had prepared a few remarks, and had had them put into English. They were contained in a paper he had brought with him; which paper, with the permission of the Court, he would place in the hands of a friend to be read. The Chairman at once consented; and Mr. Thompson read as follows:—

In reference to what has been stated by Mr. Hutt, the judge at Ahmednuggur, that whilst Govind Row was in prison, no paper was ever taken from him by improper means, and that “suitable quarters” were assigned to him in the jail; I beg to observe, that in no part of that letter has Mr. Hutt ventured explicitly to deny the two main complaints of Govind Row; that is to say that he was incarcerated in a dungeon, and that a paper was forcibly (under certain threats) extorted from him. The Governor of Bombay, however, and the members of his Council, have had the temerity to say, in their minute to the Court of Directors (vide last par. page 47) that Govind Row’s assertions are false, and that Mr.



Hutt, and his dependants, the Nazir, the Deputy Gaoler, the Havildar, and the Sepoys, are to be relied on as true.

It was natural that the Government of Bombay would defend their own servants and protegés; but will it be believed that no reference whatever has been made to Govind Row himself, the aggrieved person, by that Government, as in common fairness, not to say justice, should have been done, in a matter affecting the honour and credit of the Government? But I can bring proofs to show that the Government of Bombay enjoined, (see Minute by the Governor, 28th June, 1837, p. 81,) at the instigation of the Resident, Colonel Ovens (par. page 369) that Govind Row should be strictly confined. Colonel Ovens says:—

“12. In order, however, to dispel the illusion as to Govind Row’s release, which threatens to throw such serious obstacles in the way of this important inquiry, I beg most respectfully to propose that the Dewan be sent immediately, under guard, to Ahmednuggur, and placed in STRICT CONFINEMENT THERE: that he only be attended by his own servant, and that all other intercourse with him be for the present prohibited.”

Upon this recommendation going to the Government, Sir Robert Grant says:—

“If my colleagues concur, I request that no time may be lost in issuing orders to the Session Judge, at Poonah, to forward Govind Row to the custody of the Judge at Ahmednuggur. That officer should be instructed to place the prisoner in strict confinement, and to prevent the holding any communication with any person.” Mr. Farish in his minute, observes, (vide par. page 81,) “The only question on which any doubt could be entertained is the removal of Govind Row to Ahmednuggur. The absolute necessity of putting an end to the erroneous expectations of his release, in order to obtain the important information which Geerjabbaee may be able to communicate, fully warrants his being placed under greater personal restraint and stricter guard.”

You have, no doubt, heard that during the recent war in the Mahratta Country it so happened that Colonel Ovens was captured by the insurgents and imprisoned in a hill fort. Here is almost an exact parallel to the case of Govind Row, with the exception that Colonel Ovens was of course, not subject to the same degree of personal restraint as Govind

Row was, but still he was in strict confinement. It was during this confinement in the fort that the chiefs of the insurrection came to him, detailed their grievances, and obtained from him a paper favourable to their claims of justice, in which he was pledged to exert himself to the utmost, with the Commander of the Forces and the Bombay Government, to bring about terms favourable to them during the negotiation then taking place for the pacification of the country. Upon these terms, and these conditions only, did they liberate him, and sent him, under a safe escort to the British lines. This paper was sent by the Chiefs to the Bombay authorities; but what did the latter do? They immediately disclaimed the competency of their own officer to sign such a paper under such circumstances, and refused to receive it as a genuine document. Nay, they went further, they declined to listen to what Colonel Ovans had pledged himself to plead in their behalf; giving as their reason that the paper in question, as well as the pledge, were forcibly obtained and extorted from him under threats of personal violence.

That Govind Rao was closely imprisoned and strictly watched in a confined dungeon, and that a paper was, under the penalty of personal violence, taken from him, has, I presume, been clearly demonstrated. This same paper was received by the Bombay Authorities, and is insisted upon as being a *bonâ fide* confession of all that individual is said to have known on the subject of the charges against the Raja. Here are two persons placed by circumstances in nearly parallel positions. They are both confined, imprisoned, and closely watched; a paper, under certain threats and inducements, is obtained from both; the first of these papers is received and held forth as a genuine production, because it exactly suits the purpose of the Bombay Government so to consider it; the second paper, for the same reason, is rejected and repudiated, though quite as genuine as the former, because it would not suit the same Authorities to acknowledge it. Really is this not too glaring to be glossed over? Are the people of India to rest satisfied with this specimen of British justice? I seriously beg to ask, whether such conduct on the part of the rulers of that vast empire will tend to consolidate and render permanent their sway and dominion in those regions?

The Bombay Authorities deny that Govind Row, was incarcerated in a “*dark*” dungeon. Will their own proceedings bear being brought to light? I will take the liberty of telling them what the world will consider “*dark*” in their deeds. It will be considered *dark* to oppress and imprison the innocent, and forcibly extort from them that which they afterwards disavow. It will be considered *dark* secretly to promote the intrigues of the wicked, with a view to cause the ruin of others, and to profit by the result. It will be considered *dark* for men to assemble ostensibly for the purpose of furthering the ends of justice, but secretly to combine and persist in their tyranny and oppression, and by transmitting false reports, concocted after their own fashion, to continue in the exercise of irresponsible power. Such deeds as these will be held by the world to be *dark*. Even the Governor-General, Lord Auckland, could see into the improbability of the pretended confession of Govind Row; for Mr. Macnaghten, in his letter to the Secretary to the Government of Bombay, dated 16th October, 1827, says, (see Parl. Pa. page 112, par. 3,) “Except from the statement which may possibly be made by Govind Row, his Lordship in Council sees nothing in all this evidence which is likely to throw light upon the conduct of the Raja, so far as it is proper or incumbent on us to inquire into it; and under the circumstances of recent strict *duress*, and expected liberty under which this evidence is to be elicited, it must be received with very considerable caution.” And again, “The Governor-General in Council will look with some anxiety, though, under the circumstances, not without suspicion, to any further confession which he may offer to support, by direct and substantial proof, which may be made by Govind Row, as tending to weaken or confirm the original charge, adduced against the Raja or any of his family, of attempting to seduce our sepoys from their allegiance.” I will not take up the time of the Court by quoting documents, but will briefly specify certain facts, each and all of which can be supported by printed papers. I will also give some references, to assist those who may desire to look into the points named.

The Bombay Government *fabricated documents* (vide Par. pa. 801 to 818.) And used *false seals* (vide pages 818, 829, 869, 881.) Took the evidence of persons: *inimical to the Raja* (vide Par. papers.)

Gave money to persons of bad character, who invented stories, and whose evidence, though fabricated, was received as good (Par. pa. 148, 69, 642, 317, 42.) Gave money to a person *to write a false petition*. (Par. pa. 1028, 436; also last Par. pa. 17.) Fabricated depositions of witnesses, on subjects with which they (the witnesses) were unacquainted (vide Par. pa. 821; also last Par. pa. 43, and page 10.) Made the papers of the case as voluminous as possible, in order to impede the investigation. (See Par. pa. printed by House of Commons, 5 volumes.) Attempted to entrap the Raja into a confession of guilt, by means of certain sepoys, whom he was alleged to have bribed. (Par. pa. 1309, 1099, 1100, 1101.) Let me state, also, that no mention is made in the proclamation of the false charges brought against the Raja, (Par. pa. 1153,) although the draft prepared by Colonel Ovans, to be given to the Raja, agreeably to the instructions of the Governor-General, and kept back, contains the alleged proof of three distinct charges. (Vide page 1063.)

Mr. THOMPSON.—Such, sir, are the contents of the Vakeel's statements, one word of which I never saw until it was placed in my hands. The Vakeel has also handed me a number of extracts from Parliamentary papers, which are intended, I suppose to support the assertions which he has made in the documents just read.

Mr. Thompson having finished the reading of the papers,

RUNGOO BAPOOJEE again rose, and addressed the Court in imperfect English, to the following effect :—That it was both remarkable and lamentable that a country like England, so famed throughout the world for its greatness and its love of justice, should be called to witness, in its capital, a spectacle so shameful as that then before him—the spectacle of a body of men persevering in a course of manifest injustice toward a fallen prince. It was also surprising, that in an assembly like the Parliament of England, such statements should be made as those which had been put forth by the Deputy-chairman—statements which were wholly untrue, and which he (Rungoo Bapoojee) had it in his power to disprove. He could also bear his testimony, that the statements which had been made by his friend Mr. Thompson were perfectly true, and could be supported by documentary evidence. He asked nothing on behalf of his injured master but a fair inquiry, and he hoped the people of

England would be strong enough to compel the East India Company to grant it.

Sir H. WILLOCK (the Chairman).—The real object of the gentleman who has brought forward the present motion, and of those who support him, is to re-open the whole case of the Raja of Satara. I should very ill show my respect for the numerous decisions which have been recorded by the Court of Proprietors, if I were to give my consent to any such a review. The papers at present under discussion have been carefully considered by the Court of Directors, and that Court are of opinion that they contain nothing which should induce them to disturb the former decisions in this question. Recent proceedings in Parliament will, I have no doubt, have the effect of confirming the opinion of this Court that it is inexpedient to go again into this subject. Before I submit an amendment, I must record my strong disapprobation of the opprobrious language which has been applied to a gallant officer in the service of the East India Company—Colonel Ovens, as well as of the accusations preferred against him. That gentleman has been far more than thirty years in the employ of this body, with a constantly increasing reputation for faithfulness and integrity; and nothing that has occurred recently, nor the accusations made against him by a person who has been guilty of perjury—

Mr. THOMPSON.—I deny that Krushnajeel has committed perjury.

Sir H. WILLOCK.—It has been considered by the Court of Directors of a nature calculated to impair their confidence in that officer. I must state, to the credit of Colonel Ovens, that, on being informed of the charges against him, he proposed, notwithstanding his ill state of health, to proceed at once to India for the purpose of prosecuting his accuser, and of subjecting himself, if we wished it, to examination on the charges. Under these circumstances I must oppose the motion, and meet it by the following amendment:—

“That there is nothing in the papers recently printed which induce the Court of Proprietors to depart from the resolutions of 13th Feb., 1840, the 20th July, 1841, and the 18th of June last.”

Mr. THOMPSON.—I call upon the Chairman to substantiate his assertion that Krushnajeel Sadasew Bhidey, the accuser of Colonel

Ovans, has been guilty of perjury. (Hear, hear.) I deny that the assertion can be supported by these papers. (Order, order.) I demand the proof of the truth of what the Chairman has asserted. (Confusion.) I demand, I say, that Sir H. Willock should make good his charge. Why does he not, as a gentleman, refer to the proof ?

Mr. HOGG, the Deputy Chairman, seconded the amendment.

Mr. WEEDING denied that he was ignorant of the situation of Tanjore, for he had been upon the Coromandel coast; the story had been told for the purpose of making him ridiculous. The question was a political one, and not to be dealt with according to the usual forms of law. It would have been wrong to give the Raja the evidence taken by a *secret* commission. The papers before the Court had been brought forward to serve the purpose of re-opening the whole question; such an object should be firmly resisted. Were it possible to show the absolute innocence of the Raja, the decision could not be disturbed. The House of Commons had refused an inquiry, and therefore all parties were bound to be silent. Mr. Hume's papers had been sent to Bombay, and had been there declared unworthy of credit. The case of Vishnoo Kes-soo Dervusteley might be easily explained; Sir Robert Grant had mistaken the maternal for the paternal uncle; Col. Ovans was not answerable for that. Girjabee's declaration had been extorted from her by the Raja. Krushnajeel had not been bribed; he was only paid as other witnesses were, as, for instance, at the Old Bailey. Mr. Hutt was an honourable man, and he had contradicted the statements of Govind Rao. He should have thought that Mr. Sullivan would have had too much of the *esprit de corps* to say anything against his fellow servants. Krushnajeel Sadasew Bhidey had either uttered falsehood in the first instance, or committed perjury in the last. He would leave Mr. Thompson in the horns of the dilemma. Krushnajeel was influenced by feelings of disappointment and revenge. His charges were against men of the highest character. Ballajeel Punt Nathoo had been a faithful servant of the British Government for thirty years; so had Col. Ovans. The Court should protect these persons. He called upon the Directors and Proprietors to be firm, to resist agitation and

intrigue, to abide by their former decisions, to arm themselves against clamour and importunity, and to entertain a confident belief that by such means they would preserve the peace of India, and finally triumph over the faction in that Court.

Mr. SULLIVAN.—Sir, allow me to make a single observation upon the speech we have just heard. I am very anxious to rivet the attention of the Court to the purport of the proposition of the hon. Proprietor, Mr. Weeding. He says this question is a *political* one. Who doubts it? Everybody acknowledges that the offence charged against the Raja is a political offence; but are you for that reason to deprive the man of the only possible means by which he can rebut the charge? I challenge the honourable Proprietor to get up and state how it was possible for the Raja to exonerate himself from a political charge, except by a searching examination of the evidence adduced?

Mr. WEEDING.—He was offered a hearing, but he refused it. You have spoken once, you have no right to speak again.

Mr. Serjeant GASELEE.—Certainly he has, in explanation.

The CHAIRMAN.—You are speaking now in explanation, Mr. Sullivan.

Mr. SULLIVAN.—I am, Sir, and I put it to the judgment of the Court, whether the hon. Proprietor has said one word to the question, which is, whether at this, the eleventh hour, you will, or will not give this unfortunate man the evidence upon which you convicted, degraded, and dethroned him? That is the question. Has Mr. Weeding said one word upon that subject? No. I am very willing to recall the words that fell from me about a mistake in his geography. I do not wish to cast ridicule upon him; but, be it his mistake or mine, it has nothing to do with the merits of the case. Nobody has yet told me that the case of the Raja of Tanjore is not strictly in point. When I quoted it first, the hon. Gentleman, Mr. Weeding, got up and told the Court I was telling them a fairy tale. That is what he said.

Mr. WEEDING.—Sir, I stated another thing also; I said I could tell the gentleman a still more marvellous tale, that of a man who had been convicted of murder, and hanged for the crime, and that the man supposed to be dead had afterwards appeared.

Mr. GEORGE THOMPSON.—I thank you for that. Let the Raja have the benefit of the fact.

Major OLIPHANT (a Director.)—This question of the Raja of Sattara has several times recently been brought before this Court. On the occasions I refer to, I have treated it judicially, and have abstained from voting, for the reason that it had already been disposed of by this tribunal—such as it is. Having so acted previous to this discussion, I should not have deemed it consistent to have taken a part in the present debate, had there not been brought before us, new and important matter—matter with which I think I am fairly entitled to deal, and am in duty called upon to consider. I have taken all possible pains to sift to the very bottom the statement of Krushnajeé Sudasew Bhidey. There is much in what has fallen from the gentlemen who have spoken first and second in this debate, which, if it were necessary, I could go over and fully corroborate. Indeed, with one trifling exception, namely, that Girjabaeé did *not* speak to Krushnajeé, (it being in evidence that she did say a few words,) I am ready, from my examination of these papers, to attest the accuracy of all that these Gentlemen have stated. (Hear, hear.)

A word, in the first place, respecting the state of affairs at Bombay, at the time this, so called, petition of Girjabaeé was got up. The printed papers prove, that, down to the 4th of February, 1837, the Council of Bombay had been unable to make anything of the case against the Raja. As to punishment, I will read you an extract from the Minutes of one of the Councils, showing the extent to which the members of the Government thought they could go in that respect.

“I concur in all respects (says Mr. Farish) in *the conclusion come to*, that the transfer of the Akulkote Raja from his connexion with the Raja of Sattara, to a connexion with the British Government, together with the proposed modification of the office of Resident at Sattara, would be a *sufficient punishment for the past*, and be best suited to operate as a warning to him (the Raja) for the future.”

Such was the view of the Government on the 4th of February, 1837. On the 6th of March following, the petition of Girjabaeé



arrived at Bombay, and thereupon new measures were immediately contemplated. Now, it is a very curious fact, and I beg the attention of the Court to it, that it was not until the former evidence had been found to be insufficient to effect the Raja's ruin;—it was not until the case was about to be brought to an end, in the way we have seen, that anything was heard respecting Girjabae or her petition. It is of great importance that we should take the trouble to look attentively at the various dates connected with this mysterious affair. The petition is dated the 13th of the previous December; but it does not arrive at the Presidency until the 6th of March, an interval of more than three months! I conclude, from this, that it was considered necessary to antedate the petition, that it might appear to be written about the time that Govind Rao was placed in confinement at Poonah. It is very desirable to discover, if possible, at what precise time it was, that Govind Rao was actually sent from Sattara to Poonah. I have searched diligently for information on this point, but the only assistance I have been able to obtain, in determining the period of his removal, is from a minute, recorded by the Governor, on the 3rd of December, 1836, ten days prior to the date of the petition—in which he says:—

“Concurring, as I do, with the Commissioners in their suggestions regarding the disposal of the prisoners, I think Govind Row, and the Brahmin Untajee, should be removed without delay to *Poonah*, and be there confined as state prisoners, *under the usual warrants*, pending the receipt of the instructions of the Government of India.”

Such are the words of the Governor's minute, recorded on the 3rd of December. Now, before the opinion of Sir R. Grant, here recorded, could be regularly acted upon, it would be necessary that all the usual forms of Government proceedings should be gone through, and then, finally, that there should be a letter, with the proper warrant, sent to the Resident at Sattara, and then would come the removal of Govind Rao to Poonah. Hence, some time must inevitably elapse, between the working of the order, and the execution of it at Sattara. Let these things be kept in mind, for they are of very considerable moment in this examination. There may have been a much greater delay than that which was absolutely necessary for the

due observance of the required official forms; but, as I have already said, there is nothing but this minute of the 3rd of December to guide me, and I shall take nothing for granted. Now let me draw your special attention to the heading of the petition:—"A Petition of Girjabae, the mother of Govind Rao, NOW IN CONFINEMENT as a state prisoner at Poonah, dated 13th of December, 1836." An honourable gentleman has remarked, that "Cunning sometimes overreaches itself, and defeats its own object." I cannot but think that such was the case with the concoctors of this petition. It is just possible, and no more, that Govind Rao was at that time, namely, on the 13th of December, actually a prisoner at Poonah. I cannot say he was not, because I have no evidence on the subject. But, looking a little further into the matter, what do we find? Why, a circumstantial narrative of what took place during the preparation of the petition. This narrative is furnished by Krushnajee, the "real Simon Pure"—the *bonâ fide* writer of the petition. This man, describing a conversation between himself and Lukhmun Punt Shekdar, at Sattara, says:—"Thus, a conversation having mutually passed, we went to our respective lodgings." Mind you, at this time the petition *had been written*, and Krushnajee had, according to his own statement, seen the Bae, who came out to him as he stood in a verandah at the back of a house at Sattara. Who can believe this story? What! a Brahmin lady, of high rank, come out to a Carcoon in a verandah! Who ever heard of such a thing? The assertion is absolute nonsense. But let that pass. Now mark what follows, and reconcile it, if you can, with the heading of the petition. That heading asserts, that Govind Rao is *now*, that is, at the time it was written, on the 13th of December, a state-prisoner at POONAH. Well, *after* the petition had been written—after the Bae had been seen by Krushnajee—*after* all arrangements had been made—"Afterwards" (says Krunshnajee) "I set out and went to the Kshetru (that is, to Punderpore.) Just then a rumour arose about the Rao Sahib (Govind Rao,) *being removed to POONAH*, but I did not dispatch the Lukhota; for the affair being a serious one, I considered, and kept it back." Now this is a most extraordinary fact. Thus, at the very outset, the authenticity of the petition is destroyed by the evidence of the man who wrote it; for he makes the petition say, that Govind Row is, *at the time it was written*, a prisoner at Poonah,

and then he tells you, that *some time after the petition was fabricated, he heard a rumour that Govind Rao was about to be removed to Poonah*. These facts cannot be reasoned away. Here is the *petition* itself, and here is the *deposition* of the writer. So much for the truth of the first words of this petition! Now, sir, if it were necessary, I could go through this document, and make it condemn itself. I could prove to you from internal evidence, that it is utterly worthless, in whatever point of view you regard it. I could prove that the whole was a barefaced and wicked plot; but this would lead me to travel over the ground which has been gone over by the gentleman who has moved the resolutions. I am perfectly satisfied in my own mind, that throughout the whole of this affair, Sir Robert Grant was deceived. That distinguished man, I believe, meant well, but he was deluded—deluded by the cunning artifices of others. As for the appearances of Girjabae, they were, I believe, purely fictitious; and as for Mahdeo Fugery, the pretended writer of the petition, there was *no such person*. Sir Robert Grant saw the necessity of having this man produced; but how could that be done, when he had no real existence? At last, however, it was thought that the mind of the Governor had been satisfied, and so the parties who had got up the thing became content; thinking, that there would be no more inquiry respecting the imaginary writer, Mahdeo Fugery. The repeated statements of Colonel Ovens, had, indeed, succeeded in bringing the Governor to the opinion, that the history of the petition given by Sukharam Bullal, was correct; and he believed the story told him, of the writer having gone to a distance in quest of employment. The real writer of the petition, however, when he found that all was going on well—that the petition was taking effect—and that suspicion was lulled—said to himself, “It is true. I am a rogue in this affair, but I may as well have my reward for the work I have done;” so out he came. and boldly asked for his money. But from whom did he ask it?—From Girjabae, as has been stated? Nothing of the kind. He considered he had served the Government, and to the Government he looked for his reward; and he was right. Thus it was, that, as I have said, “The real Simon Pure,” came upon the stage. And now, sir, I must take leave to occupy your time for a few moments, while I advert to the extraordinary desire shown by the Government to be made acquainted with the real writer of this

petition, and to the conduct of Colonel Ovans in this affair. Over and over again had the Bombay Government written to Colonel Ovans, directing him to get hold of the writer. The Government felt satisfied that, unless the writer of the petition could be found, the document itself was not worth anything. Now, sir, on the 7th of September, ten days after Colonel Ovans had written to the Government to say that "*he had done all in his power, but could discover no trace of the writer*"—on that very day *he found out*, beyond all possibility of doubt, *who the writer was*. Sir, I deliberately ask, what can justify a servant of Government in not immediately reporting such a circumstance to his superiors? (Loud cries of "Hear, hear, hear.") What reason can any honourable gentleman assign for such conduct? (Hear, hear.) I do not seek to bring a charge; but, standing here in the capacity of a Director of the East India Company, I think I have a fair right, and that it is my duty, to put these questions. (Hear, hear.) For eleven months, sir, as stated by the hon. proprietor, (Mr. Thompson,) was this evidence concealed from the Government—that very Government which had displayed so much anxiety upon the subject! For eleven months was Colonel Ovans in possession of the knowledge which his Government had repeatedly stated *they deemed it of the first importance they should obtain*. During these eleven months, (as the same hon. proprietor has truly stated,) accusations were made, persons were examined, and reports and minutes were written—all *founded upon the petition in question*; yet, all that time, the information which Colonel Ovans had obtained *was kept back from his Government*, though it had been repeatedly demanded. (Hear, hear.) Is not this a most extraordinary circumstance? Can any justification be set up for a public servant acting in such a manner? Upon this ground, then, in the first instance, I desire information; for at present I can find none, and so important a matter ought to be cleared up.

Mr. WEEDING read the Government letter to Colonel Ovans.

Major OLIPHANT.—I will thank the hon. gentleman to be good enough to make his observations at another time. Sir, I am stating what I am but too thoroughly convinced is true. Nothing but the strongest convictions, produced solely by my own investigations, could have led me to make the assertions I have just made. I have

stated facts, and facts alone ; and I consider that they are facts which imperatively require investigation. (Hear, hear.) What does Colonel Ovans do on the arrival of Krushnajee, and on the discovery of the real writer of the petition ? He sends to inquire at the Punderpore post-office whether an urzee was forwarded from thence on a particular day. As the question is put with great precision, the consequence is, that an answer is returned in the affirmative. Here is the reply of the native postmaster :—

“ An order from the Sahib, under date the 19th December, 1837, has come thus : Krushnajee Sudasew Bhidey, inhabitant of the said kshetru (sacred place), now at Sattara, sent on the 10th February an urzee to the Mherban Governor, Sahib Bahadoor (the Bombay Government ; ) thus it is understood by the Surkar. As to this, whether that urzee was sent by paying postage for it, or whether it was sent free, or how it was sent, and on what date ; thus an order has come. As to this, the said person gave a lukhota of urzee to the address of the Mherban Governor Sahib on the 10th February, which was despatched as free on the same date.”

Here then is an affirmative answer to the question put. But turn to the subsequent examination of this man, and see what he says. He is asked,

“ Do you recollect receiving the letter addressed to the Governor ?—  
Yes: *I do not recollect the day*, but it was between 10 and 11 o'clock.

“ From whom did you receive it ?—*From a Brahmin*, who lives at Punderpore ; *I did not know his name at the time* ; but when I heard from the office at Poonah about the letter, I asked him his name, and he said it was Krushnajee Sudasew Bhidey.”

In the first instance he had mentioned the man by name, and knew all about him ; but now he neither recollects the day, nor more about the man than that he was a Brahmin. But we will suppose that it was really posted on the 10th of February ; and now I would ask General Briggs, or any other gentleman acquainted with that part of India, whether it be probable that a letter addressed to the Government, and put into the Punderpore post-office on the 10th of February, would be twenty-four days before it arrived at Bombay ; that is to say, would not reach its destination until the 6th of March ? (Hear.) Honourable

gentlemen will draw their own inferences from these facts and dates. I speak for none but myself; but I am free to confess that a sifting inquiry into these papers has left no doubt upon my mind, that a more infamous plot was never conceived for the purpose of destroying an innocent man, than that which has led to the ruin of the unhappy Raja of Sattara. (Loud cheers.) Now, sir, I have done with the petition. I have given facts and dates; and if any one who rises to reply to me will only stick to facts and dates too, I am quite sure he will not be able to gainsay what I have advanced. I shall be but too glad if any gentleman will find me out to be wrong.

Sir, a word regarding Govind Row. I take up the minute of that highly-respected gentleman, Sir Robert Grant (5 May, 1838, p. 124), in which he alludes to the evidence given by the Dewan, and I find him saying,

“40. Govind Row Dewan (No. 12 of my list) held a confidential office under the Raja of Sattara, and is now a state prisoner at Ahmednuggur, for being deeply implicated in the attempt made to seduce from their allegiance the soobabdars of the 23rd regiment. He was not, therefore, like all the other witnesses, examined by Lieutenant-colonel Ovans, but *by the Judge of Ahmednuggur*. I think it extremely probable that this person has not disclosed all he knows; but nevertheless he has corroborated several of the circumstances detailed by the other witnesses, *without the possibility of communicating with them, or acting in concert.*”

Sir, I object altogether to the conclusion of this paragraph, which I will show you does not state that which is true, inasmuch as special means were employed to obtain from Govind Rao, just such a confession as would support the statements in the petition, and the evidence given by others. In proof of this, I will read you Mr. Hutt's letter to Government, dated 24 August, 1837 (p. 618).

“I have the honour to acknowledge the receipt of your letter, dated the 28th ultimo, and to inform you that, *by desire of the Acting Resident at Sattara, Sukaram Bulal, uncle to Govind Rao, the state prisoner now in my charge, has for many days had free access to his nephew; and that I have also, at Sukaram's solicitation, permitted his (Govind Rao's) brother to accompany him in his visits; their object has been to induce him to disclose what he knew regarding the late proceedings of the Sattara court, in which they have been successful.*

“2. I had an interview with Govind Rao this morning; at which, after explaining the circumstances under which he was, as he describes it, reluctantly led to take part in them, HE PRESENTED ME WITH THE ENCLOSED, written, as he assures me, with his own hand, and which I had previously given him the means of preparing.

“4. He (Govind Rao) seems willing to communicate to me all he knows, and *I have no doubt of being able to obtain from him ANY INFORMATION the Government may DESIRE.*”

From this letter of Mr. Hutt, I find that the confession was obtained by Sukharam Bullal, the confidential agent of Colonel Ovens, and the chief conspirator, who for *many days* had free access to the prisoner, with the express object of inducing him to confirm the truth of what had been stated in the petition; I find also that the confession, as it was called, was *ready prepared* for Mr. Hutt, and merely placed in his hands, with an assurance that it was written by Govind Rao; and when I connect these facts with the previous anxiety of the Government to obtain such a confession (since, without it, the petition was worth nothing), I am at no loss to account for its contents, nor for the alleged coincidence of those contents with the evidence of the parties in Sattara. (Hear, hear.)

I must now call the attention of the Court to another very extraordinary document, in the shape of a despatch from the Bombay Government, addressed to Mr. Hutt, the acting session judge at Ahmednugger. This despatch is dated Bombay Castle, September 4, 1837 (p. 619),

“1. I am directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter with enclosure, dated 24th ultimo, reporting the interviews betwixt the state prisoner, Govind Rao, under your charge with his uncle, Sukharam Bullal, &c., the enclosure being *a paper given you by Govind Rao*, and stated to be in his own hand-writing, and to communicate to you the following observations and instructions thereon.

“2. The Governor in Council fully approves of your proceedings as reported in your letter under reply; the confession of Govind Rao, I am directed to inform you may be considered important, *as far as it goes*; but that person has apparently reserved the more complete disclosures which it is in his power to make, until he may have an interview with the Acting Resident at Sattara.

“3. The Governor in Council, however, considers it desirable that a preliminary examination on some of the leading points elicited by the inquiry at Sattara should be conducted by yourself.

“4. I HAVE IT, THEREFORE, IN COMMAND TO DIRECT YOU TO PUT THE FOLLOWING QUESTIONS TO GOVIND RAO, AFTER HAVING INFORMED HIM THAT HIS ONLY CHANCE OF BEING DEALT LENIENTLY WITH BY GOVERNMENT IS, FREELY TO DISCLOSE EVERYTHING HE KNOWS RESPECTING THE RAJA'S PROCEEDINGS.”

Gentlemen, I call upon you to weigh calmly and judiciously the very singular paper now before you. I am aware that it is no uncommon thing to admit what is called “king's evidence,” but there is something most extraordinary in the fact of a Government framing a set of leading interrogatories, clearly intimating to the prisoner the kind of answers which are desired—making him, in fact, acquainted with the nature of the evidence he is required to support—and then telling him that his “*only chance* of being leniently dealt with, is to disclose all he knows”—that is, if he wishes to escape perpetual imprisonment, he must answer the questions according to the wishes of those who propound them. (Loud cries of Hear, hear, hear!) Let me give you a sample of these questions, and then ask you if you can at all wonder that the answers tallied with the evidence taken at Sattara?

“State in what room the interview occurred, and who was present on the occasion, and whether the Soobedars were in their usual dress or in disguise?”

“Are you aware of communications having passed between the Raja and Appa Sahib, the ex-Raja of Nagpoor; if so, by whom were such communications made, and what was their nature and object?”

“Are you aware that a sword, concealed in a musical instrument (a vena) was sent from Sattara to Appa Sahib, and that presents in return were sent to the Raja, and to other persons residing at Sattara.

“Were any letters sent to Appa Sahib from Sattara, or did Appa Sahib write any letters to the Raja, or to any person at Sattara; if so, what was their purport?”

All here must at once perceive that these are leading questions—that they suggest the answers to be given—and that a confession,



founded upon such questions, is altogether different from a confession made by a king's evidence, who is told that if he will state all he knows, he will be pardoned. No wonder that Govind Rao confirmed the evidence taken at Sattara, when the questions put to him at once informed him of the nature of that evidence, and suggested at the same time, the manner in which he should support it. It has been denied that Govind Rao was placed in "strict confinement," and that his confession was "extorted." I do not for a moment mean to dispute the accuracy of the representation made by Mr. Hutt, respecting the treatment shown to the prisoner; for Mr. Hutt is a highly respectable and humane man. But, admitting the truth of all he has said, we have the evidence before us, that Govind Rao was denied all communication with his friends—that his correspondence was intercepted, and that he was seen only by the person deputed by Colonel Ovans to obtain his confession. Now, with these facts before us, can we wonder that he did what he did? I, for one, cannot be surprised at anything. The treatment he received was such, as in the nature of things, would affect his spirits; and we are told by the Government that he was informed that his "only chance of being leniently dealt with," was to do what he was told to do. Looking at all the circumstances of the case, I am brought to the conclusion, that the petition ascribed to Girjabae was a gross forgery, and that the confession of Govind Rao was extorted. I believe the declarations of the lady herself, in which she denies, on oath, having had anything to do with the petition; and I must therefore think that Colonel Ovans and the Bombay authorities were imposed upon. I have thus endeavoured to place before the Court what appears to me to be the most material facts in this case.

And now, sir, in conclusion, allow me to state, that I should not have spoken upon this question to-day, but for the conduct of the Bombay Government. On looking into these printed papers, I find that one of the judicial functionaries of that Government, had forwarded to him in due course, and according to the Regulations, a statement of charges against an influential officer in the service of this Company. I find that he called upon the accuser to furnish a list of his witnesses, and other evidence in support of those charges, and I find that a list was accordingly sent in. I find, that upon this

being done, the judge sent for the accuser, took his deposition, required him to give security for the prosecution of his charges, and bound him, under heavy penalties, to remain within British jurisdiction until the inquiry terminated. I find, too, that the person making these charges, was liable, not only to infamy, but to loss of liberty and a prison, in the event of his failing to substantiate his accusations. Throughout these proceedings, the judge I have referred to (Mr. John Warden) appears to have acted in a most regular, a most proper, and a most judicial manner. I find, that after these judicial preliminaries, the case was brought before the Government of Bombay in the usual and regular form; but, to my astonishment, I find that the inquiry is quashed, by the summary dismissal—by that Government—of the whole case. Standing here, I deem it my duty publicly to avow the opinion, that in adopting this course, the Bombay Government acted most unjustly. (Hear, hear.) Sir, I cannot see how justice in India can be administered, if the proceedings of the judicial tribunals of the country can thus be set aside, because the Government takes a particular view of a question. (Cheers.) Sir, I am as fully aware, as any gentleman here can be, of the difficulties by which this question is beset; and I am not ignorant of the fact, that what I am now saying may add another difficulty to those which already exist. That I am aware of this, may perhaps add something to the weight of what I say. But, let me say, without professing to foresee what may come of this business—without attempting to anticipate what may hereafter take place—that for myself, I would rather face any difficulty—I would rather incur any penalty, than quietly to sit down and allow the Bombay Government to throw aside all justice in the discharge of their duties. (Cheers.) With these feelings, and for the reasons I have stated, I shall certainly support the original resolutions, in contradistinction to the amendment which has been moved by the Chair. (The hon. Director sat down, amidst loud cheers.)

Mr. Hogg.—No observation made by any honourable member during this debate, shall induce me to go again into the case of the Raja of Sattara. (Hear, hear). An honourable proprietor, for whose opinion I entertain great respect, cheers that sentiment. I do entertain respect for the opinion of that honourable gentleman, and for

the opinions of those who have taken up the subject with a different view from myself. I never have, either here or elsewhere, imputed improper motives to any persons who take a view of the case favourable to the Raja of Sattara. I have conceded to them the free exercise of their judgment, and I must express my regret that a similar course has not been adhered to by the friends of the Raja of Sattara. But if I profess respect for the opinion of these honourable members, in numbers very limited—

Mr. G. THOMPSON.—No, no !

Mr. HOGG.—Allow me to say, I feel much greater respect for the opinion of the immense majority of this Court of Proprietors, for the great majority of the Court of Directors, for the three several Governors of Bombay, the Governor of India, and all the members of the Supreme Council ; with the exception of Mr. Shakespeare, who died, as the commission terminated, and before the later evidence was adduced. This, I hope, is a satisfactory reason for not re-opening the case. With respect to the observations that I felt it my duty to make in my place in Parliament, I should not have adverted to them here, except to disclaim the expressions which the honourable proprietor who proposed the resolutions was pleased to put into my mouth—expressions and language with which he is so familiar, that they escape from him unconsciously ;—but I beg to tell him, I am not in the habit of polluting my mouth by such expressions as he has imputed to me, nor shall I show disrespect to this Court by attempting to reply, as perhaps I should be justified in replying, to the imputations he has cast upon me, and the language he has used. Sir, this Court of Proprietors has been, and may again be, of great importance as regards the East Indies, and I never shall be a party to lessen its influence with the public ; but I do say, that if any one individual could pursue a course likely to lessen the just influence of this Court with the public, and to bring it into disrepute, if not contempt, it is the course pursued by the honourable proprietor who brought forward these resolutions. He has indulged in language which I have heard with regret, but shall not reply to ; he has reiterated again and again, that nothing can be considered as determined or settled, but what happens to be in accordance with his own views. “ Never mind what all the Governors, and

all the Members of Council, what the Court of Proprietors, and what the Court of Directors and the Parliament say; treat all, all with contempt. I, Mr. George Thompson, entertain a different opinion. I entertain a different opinion, surrounded by a *small knot*, and we will control the immense majority of the proper tribunal." An honourable member, Mr. Sullivan, said—"Are matters not to be re-discussed?" He adverted to two cases: he spoke of the Corn-laws, and I think Parliamentary Reform. Now, I always listen to that gentleman with pleasure, because he argues acutely and speaks ably, and every thing he says is entitled to attention; for it is never mixed up with vituperation or coarseness: but I ask him, is there any analogy between a decision on evidence on matters of fact, and a discussion of abstract political questions? Why, the discussion on the Corn-laws in 1830 is one thing, in 1840 it is another, and in 1850 may be another. Circumstances may change, and do change. That which was right in 1820, may be wrong in 1830; wrong with reference to its application to existing circumstances; but, good God! does that apply to a *judicial determination, on evidence*, before a proper tribunal? What is right once, is right for ever; *what is wrong once, is wrong for ever*. (Hear, hear! and ironical cheers.) But who is to determine what is right, or what is wrong? Is the honourable proprietor Mr. Thompson and his friends?

Mr. Serjeant GASELEE.—The Court of Proprietors are to determine.

Mr. HOGG.—Is it you who are to determine, or any one honourable proprietor, or is it a *majority* of the properly constituted tribunal? Why, everybody has a right to entertain their own opinion, that I admit. Everybody has a right to think that the majority are wrong. I do not ask honourable gentlemen to think the decision is right, if they differ from it. I beg pardon for this digression, which I declare I have been unconsciously drawn into, and I mention it only for the purpose of disclaiming the allegation, that I told Mr. Hume in the House of Commons that his statement was false. I beg to tell the honourable gentleman that I never used such language: if I had, the constitution of that House would very soon have told me where I was, and what I ought to have done. I should have been called to order by the Speaker, as well as by Mr. Hume himself. No, sir, I did no such thing; I told Mr. Hume that many of his

statements were inaccurate, and I did say that he had mixed together dates, witnesses, and transactions in a manner so as to prevent those who listened to him from knowing the true state of the case, unless they were familiar with the papers that were laid before the House. I am accused of having applied opprobrious epithets to Krushnajeel Sudasew Bhidey. It is said I called him "liar," and "scoundrel," and "villain." I beg to deny that I used any such terms. It is true that, in speaking of the contradictory evidence he had given, and the calumnious charge he had brought against an honourable man, *I described him as a perjured wretch*, but I did not use the language imputed to me by the hon. proprietor. (Hear, hear, and laughter.) The same gentleman has also taken me to task for what I said in reference to paid agents. One word more, therefore, on that subject, and for the purpose of explaining what it was that I really did say. Until I heard what the hon. gentleman said to-day, I was under the impression that he received no remuneration from the Raja of Sattara, and I declare most solemnly that I was under that impression when I spoke in the House of Commons. I was alluding to a part of Sir James Carnac's letter, in which he talks of the cause of the failure of his attempts to retain the Raja of Sattara on his throne. He ascribes that failure to several causes, and amongst others, to the unhappy confidence which the Raja reposed in his various agents in India and at home. When reading that part of the letter, I could not help expressing the opinion I entertained, that such agents, whether native or English, in England or India, were a bane and a curse to the native princes. That was what I said in the House of Commons; and I believe, in my conscience, that if it had not been for the mischievous influence of such agents, the unfortunate ex-Raja of Sattara would have been at this moment upon his throne. I will now confine myself strictly to the papers before the Court.

What are the three new points of this case? One is, by whom the petition of Girjabee was written, and whether it was written by her desire or not. Then comes the statement, that the confession of Govind Rao was extorted from him; and lastly, the charges brought against Col. Ovans and Ballajee Punt Nathoo. I will deal with these points separately, and as concisely as I can. The first is

the authenticity of the petition of Girjabae. My honourable friend, Major Oliphant, wasted a great deal of ingenuity in dates and comparisons, which would have been of great importance, if the question before the Court had been, whether such a petition ever had existed or not. All such nice inquiries, and critical disquisitions, are of great importance when you come to ascertain and discuss, whether such petition ever had existence or not. But who doubts that there was a petition in the name of Girjabae; and who doubts the fact that this man Krushnajeé Sudasew Bhidey wrote it? Is there anybody who denies that? The hon. proprietor who brought forward the question will not deny that. There is no doubt that Krushnajeé's was the hand that wrote it. He came before Colonel Ovans and stated he wrote it; and to remove all doubt about the matter, he put his hand into his pocket, and brought out a duplicate. What did he say then? He said he had been employed by Girjabae to write that petition—that was his statement. Let us see how he acts up to it. His first petition prays for the intervention of Government to recover 1,250 rupees promised him by Girjabae for writing that petition. The concluding words are these:—"Being the amount of reward for which Girjabae had passed a writing." This he says was sought, not from Girjabae, but from Col. Ovans and Ballajee Punt Nathoo. Why did not my honourable friend make that a little more distinct in his statement? His impression appears to have been that Krushnajeé all along went to Colonel Ovans and Ballajee Punt Nathoo. But it is not at all so; he says that Girjabae promised the reward, and passed a writing, and that Ballajee Punt Nathoo promised him the intervention of Government. But was the intervention of Government to be employed, because an officer of Government had undertaken to become responsible for him? Does this point want any proof? If it does, why look to the Report made by Colonel Ovans. "Government have nothing to do with the case. If Krushnajeé has any claim upon Girjabae, he must prefer that claim against her in the usual manner;" thereby showing what the purport of the petition, and the order made upon the petition was, "If you have any claim on Girjabae the Courts are open to you—Government have nothing to say to it." What Krushnajeé wanted, was the interven-

tion of Government to get the money from Girjabace. I beg honourable members to bear that in mind, when we come to the interrogatory of whether he has been guilty of perjury, forgery, or extortion; because *I will demonstrate that he has committed all these crimes.* Krushnajeel then goes on with a second, third, fourth, and fifth petition; he is told in reply to the third, that the matters have been considered. In those petitions he brings some general charges against Ballajee Punt Nathoo, though not the specific ones now under discussion. He is told that the Government have considered the matter, and that any further petition would not be received. He sent a great number of petitions; and as the honourable proprietor has told you, the last four or five of them were returned unopened. "That will not do," he says, "the Government have found me out, I have reiterated these petitions again and again, and there is no use in wasting my labour, my pens, and my ink, and my paper; I will therefore try another experiment, I will go off to Mr. Warden, the Agent for the Sirdars, and endeavour to entrap him. Well, he goes off to Mr. Warden. In the petition he presented to Mr. Warden, in October, 1843, he reiterates his statement of the petition having been written at the dictation, and by the desire of Girjabace. What is the statement now? What is the whole case as regards this petition? I am astonished at the advocates which this Krushnajeel finds. It is quite a new complexion in the case. When these papers first started into existence, you attached great importance to this petition of Girjabace, and said, "Why this fellow Krushnajeel comes forward to confess a forgery, and he is one of your own witnesses." That is the purport of Mr. Hume's letter to my honourable friend, Mr. Shepherd, who sits on my right hand; while at the very same time, I find the other statement from Girjabace declaring that she never was a party to the transaction; therefore, that the petition from the beginning to the end was a forgery of Krushnajeel; so that the fact now before the Court is this—Krushnajeel comes and says, "Why, true it is, I went to Colonel Ovans and told him that I wrote this by the desire of Girjabace, and that Girjabace promised me 1250 rupees. True it is, that I year after year, down to October, 1843, endeavoured to extort from her the 1250 rupees, but it was all a lie

from beginning to end, there was not a word of truth in the statement."

Mr. GEORGE THOMPSON.—Quote the words, for I deny their existence.

Mr. HOGG.—“ I forged the petition, at the suggestion of Ballajee Punt Nathoo.”

Mr. GEORGE THOMPSON.—I deny that Krushnajee ever said what you are pretending to quote. As I cannot prove a negative, the *onus probandi* lies upon you to bring forward the proof. I put it to you, as a lawyer, whether you ought not to give us the reference to what you are now alleging?

Mr. HOGG.—I do not object to the honourable gentleman putting the question. I do not mean to say that this concludes the matter, but just to show that there was no doubt about it, when the papers went out by Mr. Hume's desire, they contained this statement. I will give you the summary of the Bombay Government. In No. 7, it says, “That *Krushnajee has avowed* himself to be the writer, and declares that he was induced to forge this document for 1250 rupees.”

Mr. GEORGE THOMPSON.—The papers are here; if Krushnajee himself has stated what you say, you can, and you ought, as an honest man, to show us where he has stated so. I deny that he has ever made such a statement as you are now attributing to him. Produce his words, I say.

Mr. HOGG.—*He does not say he forged the papers, but he says he was inveigled by a promise made him, having before stated to Colonel Ovans, that he wrote it by the desire of Girjabae. The man, it is true, abstains from using the words, “ I forged the papers ;” but it was regarded, ex concessio, that he did so. Mr. Hume said, “ I give up Krushnajee.” I believe the words used by Krushnajee were, “ I was inveigled into writing this by the desire of Ballajee Punt Nathoo, who promised me 1250 rupees.”*

Mr. GEORGE THOMPSON.—Through the agency of Lukshman Punt Shekdar.

Mr. HOGG.—Then, if he did not write it by the desire of Girjabae, why he is still worse. How dare he come forward, and attempt to sue her for having employed him to write that paper which he now says he never did?



Mr. GEORGE THOMPSON.—He never did sue her. He was told not to go near her. Read his first petition.

Mr. HOGG.—He never did sue her! Why, good God, I have read every word of his first petition. It is very painful to be constantly interrupted in this manner.

Major OLIPHANT.—I should like to hear the statement of this transaction made correctly, if you will allow me to say so.

Mr. HOGG —I beg your pardon. I am in possession of the Court. These are the words of Krushnajee: "Being the amount of the reward for which Girjabae passed a writing." These are his words, I say: "I want 1250 rupees; being the reward for writing the petition, for which Girjabae had passed a writing." Now, perhaps my honourable friend can special-plead those words away; because he does not say it in words as explicit as he perhaps would dictate to him; but if there is any honourable proprietor who can suppose that a man comes forward and says, "Give me the money for which Girjabae passed her writing to me," and yet suppose that it is not to be inferred that he wrote the petition by her desire, I have then no more to say. If such is not the case, there is no such thing as inference in human nature, nor as conclusions to be drawn from statements. Krushnajee now comes forward and avows that he wrote the petition, inveigled by Ballajee Punt Nathoo to do so. I again repeat that these papers demonstrate, in the first place, that there is no doubt that the paper was written by Krushnajee, and written by the desire of Girjabae. Whether the petition was written by Girjabae or by Ballajee Punt Nathoo, it is of no matter from whom it originated, because it states no evidence; it only indicates witnesses; therefore, if it had had no name, if it had dropped from the skies, or if it had sprung from the earth, it does not signify one jot or tittle. Now, I do not attach much importance to the circumstance; but all these papers which were sent to my friend Captain Shepherd were transmitted after poor Girjabae died. In April, when these papers were transmitted home, and all these statements got up, and these papers were forged, this wretched Girjabae was not in the land of the living, to state whether they were or were not authentic. *So much for the petition.* Now I come to the other important point, which is the statement of Govind Row—important, not so much from

what it said, as for corroborating the statement of others. Here we have a man at Ahmednugger, a distance of nearly one hundred miles from Sattara; and one of the things complained of—mark me!—is the strict manner in which he was confined, and the way everybody was kept from having communication with him. Hence, the more correct that statement of his strict confinement and seclusion, the more impossible was it that he should know what was stated by the other witnesses before the Sattara Commission; and yet we have the statement of this same Govind Row, made a hundred miles off, WITHOUT THE MEANS of *knowing the evidence stated elsewhere*, TAKEN BY MR. HUTT, the magistrate,—a gentleman as unconnected with Sattara affairs as any honourable proprietor who now listens to me; and yet it is said he knew what had taken place at the Sattara Commission. I do state, that the confession of Govind Row is most strong corroborative evidence; and its strength is felt; and it is because the strength and weight of it is so felt, that the adherents of the Raja of Sattara are obliged to set their wits to work (of course, I mean in India, not here) to see how they can get rid of this evidence. “It presses very hard upon us,” say they, “what shall we do?” We all know that the adherents of the Raja attach very little regard to the character of any man, civil or military, opposed to them. Everybody implicated in this transaction, whether at home or abroad; every one who has been called upon to give an opinion, and has happened to take a view adverse to the Raja, is vituperated and calumniated by them. Why should poor Mr. Hutt expect to escape? He does not escape. They immediately fasten upon him, and say, “*You, Mr. Hutt*, (who had no more to say in reference to the Sattara affairs than anybody who hears me,) *made yourself the base tool of the Bombay Government*, in extorting from this man a confession; making him give that confession for the purpose of saving his own life.” Will the honourable proprietor call upon me to read these words? He, Govind Row, states it was extorted from him, and that he considered his life in peril.

MR. GEORGE THOMPSON.—Prove, sir, that I ever in my life brought such a charge against Mr. Hutt as you have said I and others have done.

MR. HOGG.—The words are: “That the depositions which I gave

were extorted from me, while I was imprisoned in a dark dungeon at Ahmednugger; that, considering there was no justice with Government, and that if I did not adhere to what the Sirkar (British Government) wished me to do, I would lose my life, I was therefore forced, in order to preserve my life, to give my statements in writing, according to the instructions of Mr. Hutt."

MR. GEORGE THOMPSON.—Those are the words of Govind Row, and refer to Sunkaram Bullal. Produce the words you have attributed to us regarding Mr. Hutt.

MR. HOGG.—And yet my honourable friend, Major Oliphant, says, he will not take the statement of Mr. Hutt. You cannot take the matter by halves. You must take it as a whole, or not at all. If this statement is true, Mr. Hutt has abandoned his public duty, and prostituted his public situation for the basest purposes; and knowing the particulars, he was perhaps more base than the subordinates, if you could institute a comparison. But, sir, I deny it. I say that a more honourable man does not exist than Mr. Hutt. I will never condescend to call corroborative witnesses to what he says. You have the evidence of everybody connected with the gaol; but I fling it all overboard. I will read the letter of Mr. Hutt itself, one syllable of which was not read by the honourable proprietor.

MR. GEORGE THOMPSON.—Simply for the reason that I never in my life brought a charge against Mr. Hutt, either in this Court or elsewhere. You are most grossly misleading the Court.

MR. HOGG.—The honourable proprietor said that this confession was extorted from Govind Row.

MR. GEORGE THOMPSON.—Yes, and I showed by whom. By Sukharam Bullah, who was sixteen days at Ahmednugger. Why not have the manliness to state that fact?

MR. HOGG.—If Mr. Hutt's letter is true, the confession was VOLUNTARY: it could not have been extorted. *It was not only* VOLUNTARY, *but it was*, if I may play upon words, VOLUNTEERED. I beg to read to the Court the letter of Mr. Hutt; and I am bound to do so, *after the statement made with regard to Mr. Hutt*. He says:—"It was I think about August, during my absence on circuit at Dooliah, for the Sessions, that Govind Row arrived at Ahmednugger. He was, accordingly, received by my assistant, and for the time

lodged in the most suitable quarters *in the quol*. On my arrival, a few days after, he was, with the consent, if not the express direction of Government, provided with a lodging in a Hindoo house in the town, hired for the purpose. This, doubtless, was less spacious, and afforded fewer conveniences than he had been accustomed to at his house at Sattara; but it was deficient in nothing essential to comfort." This, gentlemen, is what has been called "a dark dungeon." Now let us go on to the charge of extortion. "He had with him some one, two, or three of his own dependants, and after a time others were permitted to visit him. (Hear, from Mr. Thompson.) One in particular, came very soon after Govind Row himself arrived (hear, hear) with a letter from Colonel Ovans, (hear, hear, hear,) and he was with him constantly by day, (loud cries of "Hear,") yet did not reside with him. I visited him also myself, frequently; sometimes sitting and conversing with him for a considerable time. He always expressed himself as being perfectly comfortable. Govind Row had not been long under my care, when one day he sent a message to say he particularly wished to see me. I accordingly repaired to his lodgings. He then, after a brief preliminary discourse, told me that when inquired of at Sattara, he had denied all knowledge of the matters upon which he was interrogated; that his duty to his sovereign required it, but that he found he could do him no good by longer persisting in what was false; that the kind and considerate treatment he had experienced had inspired him with confidence; and that he was prepared, under certain conditions, to divulge the whole of what he knew." Now, gentlemen, this is the man in the "dark dungeon;" this is the man who, at the peril of his life, had a confession extorted from him; this is the statement to which you are expected to give credit, and on the faith of which you are called on to review your decision. What says my friend Major Oliphant? He dwelt greatly on the interrogatories sent to him. Now, it is a matter to which I attach little importance; but when a mind acute like his does attach importance—

Mr. Serjeant GASELEE.—Hear, hear.

Mr. HOGG.—Do not call "Hear," too soon, because I am able to show how utterly worthless that argument is; for at the time this confession was made, it so happens that the interrogatories had not

been sent by Government; so that these interrogatories and instructions could have had very little weight in the confession: they were not received till after the confession.

Mr. Sergeant GASELEE.—Hear, hear.

Mr. HOGG.—It may be very well sarcastically to cheer my words. I do not ask you to attach more worth to them than they deserve; (hear;) but I do ask for quiet and decent attention. I will read the next paragraph, to prove what I have said:—"The answers to the questions, which were afterwards sent me by Government to be put to him, were obtained in the same way; all are in possession of Government. Govind Row was, I think, several times at my house, and once or twice he came to walk in the garden. He was allowed to take exercise beyond the limits of the town, attended by an escort of the Poonah Auxiliary Horse. In short, my own inclination so fully responded to the wishes of Government in respect to him, that there was nothing I could think of, in an ordinary way tending to alleviate his condition, that could consistently be awarded him, that he had not." This will serve to show nothing was done in a hostile spirit. Mr. Hutt, with a degree of kindness and consideration which is commendable in him, in place of commencing his letter in a spirit of vituperation, says he entertains a good opinion of Govind Row, and after that he writes, "I am really sorry that he is capable of making such a statement." Now, you have heard the charge and the answer. Where is the man prepared to say that that is the *suppressio veri*?

Mr. GEORGE THOMPSON.—I am.

Mr. HOGG.—One charge still remains. If anything could prejudice the cause of the Rajah of Sattara, and render it hopeless—that cause already sufficiently damaged by his *would-be* friends—it is the charges now brought forward against Ballajee Punt Nathoo and Colonel Ovans. (Hear, hear.) I am happy to say there was not a single voice in the House of Commons in favour of the charges.

Mr. GEORGE THOMPSON.—But there were many in favour of an inquiry into them.

Mr. HOGG.—They were spurned there as they were by the Court of Directors, and as they will be to-day by the Court of Proprietors. There was but one gentleman who rose in the House of Commons,

who adverted to the charges, and said at the time that he had read the papers, and that gentleman was Sir Edward Colebrook. I say Sir Edward Colebrook was the only man who spoke, and he repudiated the charge, and, though entertaining an opinion favourable to the cause of the Ex-Raja, he expressed his regret that the charge was brought forward. I ask the honourable proprietor if I am not stating it correctly? Not one single individual who had read the papers supported the charge, except Mr. Hume, who made the motion, and that motion was negatived, and negatived without a division. It is very well to assign reasons for not dividing the House, but at the time the division was about to take place the House was pretty full, for I had the honour of addressing the House nearly at the end of the debate, and I kept that subject to the last; but the honourable member for Montrose knew too well the feeling of the gentlemen who compose the British House of Commons, to venture to submit it to their votes. Sir, these charges were preferred in Bombay. How were they met? Will the honourable proprietor tell me they were not spurned with contempt by the Bombay Government? They were, and I tell him that they deserve to be so spurned. It is very well to say, "Institute an investigation," and to allege that an honest man would ask for investigation, if he knew that he could pass well through the ordeal. It is very easy to bring arguments of that kind; but I contend that the bare institution of an inquiry into charges so false and malicious would be a stigma upon any British officer. (Hear, hear, and ironical cheers.) There would be an end to the civil and military services, and all the high feelings of those services, if a servant of the East India Company, alike remarkable for integrity and zeal, were to be so treated. I say, there would be an end to those services, if a man could be liable to the disgrace of having charges such as these investigated,—charges preferred by whom? Preferred by a man whom I say, according to my interpretation of those papers, stands self-convicted of perjury, extortion, and forgery. That is my construction of those papers. And would the Government of India institute an inquiry (founded on charges proceeding from such a source) into the conduct of a public man, who for thirty-three years had resided in India, and filled the most important posts, discharging his public duties all the

time with honour to himself and with advantage to the country? If they would, then away with character; character would go for nothing; it would be worse than valueless, if it could not protect a man from inquiry. THE ONLY WAY TO MEET SUCH CHARGES, IS TO SPURN AND REJECT THEM WITH INDIGNATION. I am proud to bear testimony to the high character of Ballajee Punt Nathoo. My testimony, perhaps, is of no value, for I know him not; I never was in that part of India where he resides, but I speak not from my own experience. There will be some little respect entertained for the judgment of others, and eminent men say that he is an honourable man? What says Mr. Elphinstone? and he was a man as little liable to be deceived as any of the astute proprietors who so warmly espouse the cause of the Raja. What is his opinion? He expresses himself in language as strong as it can be, in favour of the integrity and intelligence of this man; of the services which he rendered the British Government; and of the little reward which he received for those services. From the year 1803, I think, for nearly half a century, that respectable native has been in the service of the British Government, or in some way connected with the Government. He had the misfortune to give testimony against the Raja, on the Commission, and from that day to this, he has been persecuted with charge after charge, each one surpassing the other in falsehood. But, Sir, is there any want of disposition to prefer charges by the adherents of the Raja of Sattara? Are they very scrupulous? I think not. How came it that these charges against Colonel Ovans were never heard of before? How came it that, till October, 1843, when Krushnajee presented his petition to Mr. Warden, that up to that period, not even when the papers were sent to Captain Shepherd, there was not one word of these charges? Were the charges respecting acts of recent date? No. The charges were, that his father-in-law received a pension of 1500 rupees a month; that his father-in-law died, and that the allowance then went to his brother-in-law. So that there was continuity in the charge. But not a word about all this in the papers sent to my friend Captain Shepherd; no, not a tittle of it. When were these new charges against Ballajee Punt Nathoo preferred? Not till the end of 1843. Those formerly preferred were of a different character; but the new charges were also

of a recent date. Why, the fact is, they had tried every possible way to resuscitate this departed case; they found that they were, throughout, baffled by the talent, ability, and integrity of Colonel Ovans, and they were determined, if possible, to get rid of the whole case, by throwing, if they could, a stigma on the character of these two distinguished individuals—the one, perhaps, who had originated the case, Ballajee Punt Nathoo, and the other who had conducted it through. What is the character of Ballajee Punt Nathoo, as given on the Commission, by some of the adherents of the Raja himself? I will give you the best evidence about Ballajee Punt Nathoo, because his character is material. He was produced before the Commission, and his name was suppressed. Was that suspicious? It was suspicious. Did Mr. Willoughby and Colonel Ovans satisfy themselves with examining this witness anonymously? They did no such thing. They said, “Who is this person without a name? We do not understand this kind of evidence.” They interrogated Colonel Lodwick upon oath. He stated that he was a man of the greatest respectability, that he had always been in communication with him, and that he had received from him the most material assistance, and that many points of his duty, since he came to the residency, could not have been managed, if it had not been for him.

Sir, I have spoken of the character of the civil and military servants of the East India Company, and I hope it will be felt to be the duty of the Court of Directors to maintain that character; and I trust the Court of Proprietors will ever do the same. Visit every dereliction of duty as severely as you please; search every charge that is worth being inquired into; punish your servants, when they are detected: but, when a man who has been engaged with honour and integrity for thirty-three years, is attempted to be impeached by a wretch like Krushnajeel, come forward boldly, and protect him. Repudiate, with contempt, the charges; or, I tell you, you do not deserve to maintain your present position. (Cheers.)

Major OLIPHANT.—I do not know whether the honourable gentleman alluded to me in the remarks which he made with respect to Mr. Hutt. If he did, I beg to tell him that I never said a word against that gentleman; on the contrary, I stated, that whatever Mr. Hutt did, was under the orders of Government. But I will just mention



one thing in reference to the confession given by Govind Row to Mr. Hutt. I am quite aware that it was given before the Government order of September arrived, but all that he said in his confession was, as the Governor, Sir R. Grant said, not worth anything. It was not till the Government sent the string of interrogatories, that they got anything that was of importance; therefore, what I said before is exactly to the point, that they never could have got the evidence they wanted but for the interrogatories put to the prisoner, by order of the Bombay Government.

Mr. HOGG.—I must really rise to order, or claim the right of making another speech. An explanation is this—if I have misconceived what my opponent has said, he is at liberty to correct the error; he has a right to get up and state the fact. But if he does more, we may have rebutter and sur-rebutter, rejoinder and sur-rejoinder for ever, and there would be no end to the discussion. I must object to anything except a simple explanation.

Major OLIPHANT.—I beg your pardon. I was strictly speaking in explanation of what I stated in regard to the first confession of Govind Row, taken in the month of August. That which the honourable gentleman asserted on the subject was not correct.

The CHAIRMAN.—You may correct what you consider an error.

Major OLIPHANT.—My honourable friend, Mr. Hogg, has no right now to claim to open his mouth, or to read a line in answer to anything that falls from me in explanation of what I myself said—that is the rule in all assemblies.

Mr. Serjeant GASELEE.—Major Oliphant is quite justified in the course he has taken.

Mr. HOGG.—A man may get up and bring forward the whole of the Sattara question under the pretence of an explanation.

Mr. Serjeant GASELEE.—If you have made a mis-statement the honourable gentleman has a right to correct it.

Mr. HOGG.—You have no right to give anything in explanation except it is relevant to the reply. I distinctly said that interrogatories did not arrive till after the confession. You do not dispute the correctness of that.

Major OLIPHANT.—The interrogatories had not arrived when the first confession was made. The *second* confession, which was the

only one to the point, was not given to Mr. Hutt until after the interrogatories were forwarded. (Hear.) That is the important fact which I wish to establish. (Hear, hear.)

Major-General ROBERTSON.—The first question is, with regard to Colonel Ovans. I perfectly agree with all that the honourable Deputy has said of the character of that gentleman, and am perfectly willing to admit that he is a good man, and everything else which has been said of him. I have known him for many years. We have been associated together in duty in India, and a more honourable man, as far as my knowledge goes, does not exist. Moreover, connecting with the charge the motive which Krushnajeel pleads for having made it, I am disposed to attach no credit to it whatever. Krushnajeel, in his own statement, says, that it was resentment which actuated him; resentment, because his petitions had not been attended to. His statement to this effect is in page eleven of these papers. “Ballajee Punt Nathoo thus practised with me a shameful act of perfidy, and on that, I presented a petition to the Bombay Government; but the answer to which was, by reason of a league between the resident and the native, that the petition was not to be taken into consideration. In consequence of this answer, I then, out of resentment, proceeded to Poonah, and presented a petition to the Honourable the Governor at Dapoorie, reflecting on the intrigues of the Nathoo, the enormous bribes that he had secretly managed to procure for himself, and his different machinations.” He does not here mention Colonel Ovans’s name; but no doubt he was actuated as much against Colonel Ovans as against Ballajee Punt Nathoo. I must say, that so far as Colonel Ovans is concerned, there appears no ground for inquiry. But while I feel thus persuaded with regard to him, I think there is great reason why the Raja should have justice done to him. As for the petition attributed to Girjabae, why, it is to me no matter of consequence whether it was fabricated or not, as far as Krushnajeel is concerned.

Mr. HOGG.—Hear, hear.

Major-General ROBERTSON.—But I say, that the petition itself is of great consequence in the case of the Raja, and the mode of its being got up is of great consequence, because it furnishes a test of the spirit and motives of the Government. (Hear.) The conspira-

tors, defeated by the result of the inquisition—I should say *secret* inquisition, or rather the Star-chamber process that was instituted in the case of the charges of corrupting the Sepoys, brought against the Raja—I say when the conspirators saw that these charges had failed to reach the Raja, they resolved upon another plot, actuated solely by *Brahminical hatred*. (Hear, hear.) Much has been said in favour of Ballajee Punt Nathoo; but still it should be borne in mind, that he was a most inveterate Brahmin, and that a spirit of hatred actuated him, and all the rest of his class, *against the Raja*; and excited in them a *strong desire for his dethronement*. Finding nothing was to be got by this first foul conspiracy, except by perjury and intriguing with regard to the evidence, they set their wits to work, and they got up this petition. How it was done I do not care; whether it was fabricated or not, is a matter of no consequence. That it was got up, nobody can deny. There it is. It was sent to Government, who seized upon it, feeling at the time that their characters were deeply implicated by the failure of the inquisition, and they were anxious to carry out the case. I will say, with respect to Sir Robert Grant, that *he was anxious to get a case against the Raja*; and he said, when the petition arrived, “This is a God-send.” He kept it in his own desk, is stated, for a period of three months, until he removed Colonel Lodwick, and got Colonel Ovans to go up to Sattara. *He would not trust Colonel Lodwick*. He gave it to Colonel Ovans, with instructions to investigate most strictly into the whole history of the transaction. What does Colonel Ovans do? He makes overtures to Girjabae. First of all, however, she makes, we are told, overtures to him. She wishes to present a petition to Government in behalf of her son. She sends her confidential agent to him. I am speaking from memory; it is a long time since I read these papers. Colonel Ovans wishes to see Girjabae. Girjabae goes to him—she is asked about the petition, and she denies it. Colonel Ovans says, “Government has heard of your unfortunate position, and they regret it;” and he spoke to her in a manner which led her to see the pardon of her son in the *vista*.

Mr. LEWIS.—The matter which the gallant General is about to enter upon is very material and important, and the proprietors are

now very much exhausted, will you therefore have the kindness, sir, to move an adjournment?

The CHAIRMAN.—I do not think it necessary; gentlemen cannot be taken from their business another day.

Major-Gen. ROBERTSON.—Girgabaee, I have said, saw the pardon of her son in the *vista*, and, under this feeling, she made an acknowledgment that what was written in the petition was true, though she did not know it. Secrecy was promised to her. She states in her own petition, that it was with the understanding that the matter was to remain secret, that she made the confession. Here is a proof of the baneful effects of secrecy. This was also shown in the evidence of Ballajee Punt Nathoo—he, too, was told that his evidence should not be promulgated; and in consequence of that, not only did he give evidence which was not pertinent to the subject in hand, but, under cover of concealment, he stated that which was not correct. Now much has been said about Govind Row, and his statement as to the proceedings at Sattara; but I must request you to recollect, that Suckharam Bullal was sent from Sattara fully instructed as to all the particulars to which Govind Row was to make confession. (Hear, hear.) There is no doubt about that, and that simple fact will account for the answers which are given. (Hear, hear.) The honourable Deputy-Chairman has told you that this is a judicial question, and not one of those matters which are to be agitated from time to time; that it does not involve a political principle, like the question of the Corn-Laws, which may be one thing to-day, and another thing to-morrow. But, *what has there been in the manner of conducting these proceedings of a judicial character?* Is it a judicial proceeding to try a man with closed doors, upon evidence taken in secret? Is it a judicial proceeding to condemn a man on perjured testimony, without giving him an opportunity of seeing and rebutting it? (Hear, hear.) I ask the honourable Deputy-Chairman, who, from his profession, must know whether such a mode of proceeding is correct or not, whether if, in any case in which he had been an Advocate, he would have called such a secret investigation *A FAIR TRIAL for his client?* Would he have consented to the reception of evidence taken in prison? Would he have been satisfied had his client merely been called in, after all the evidence had been

taken, and had had two long depositions only read to him, and those not in his own language? What would he have said, had his client been promised a copy of the depositions, and then that promise had been broken, under the plea that the inquisition was a secret commission? Can he say that such a proceeding as this is a trial, or has it anything *judicial* about it? I say there has been nothing judicial in any of the proceedings throughout this case. It is a case in which the most flagrant injustice has been done; in which all judicial rules have been set at defiance; and it ought to be discussed and urged over and over again, until full justice is done. I will not trouble the Court with any further remarks. (Loud cheers.)

Mr. GEORGE THOMPSON.—I do hope, sir, we shall now have an adjournment. I am sure honourable proprietors feel, like myself, quite exhausted.

The CHAIRMAN.—It would be very inconvenient to bring gentlemen here again another day. I hope Mr. Lewis will at once proceed with his speech. (Cries of "No, no!—Adjourn.")

Mr. Sergeant GASELEE.—Sir, I shall move an adjournment, and divide upon the question.

Mr. HOGG.—I am sure every attention will be paid to Mr. Lewis, if he will proceed.

Mr. LEWIS.—I am too much exhausted, and so are other honourable proprietors, to proceed at this time of day.

Mr. GEORGE THOMPSON.—Sir, there are several gentlemen upon this side who are anxious to speak; and it is impossible that they should have time to do so, as they desire, to-day. If therefore you do not consent to an adjournment, I shall feel it to be my duty to continue moving that this House adjourn, until you do adjourn. I will again never consent to the gross injustice of Directors dictating to proprietors, whether they shall or shall not adjourn.

The CHAIRMAN.—All proprietors that are not qualified to vote, will please to retire.

Mr. CLARK.—Sir, in a question like the present, involving matters of so much importance, it is not fair that you should extinguish the speeches which gentlemen wish to make. Is it not better to give every gentleman an opportunity of expressing his sentiments, and after that has been fairly done, to go to a division? Really, in a matter of this deep importance, upon which half a dozen other gen-

tlements intend to speak, there should be no indisposition among the Directors to an adjournment. We have a question before us, involving the great principle of moral justice.

The CHAIRMAN.—The time of public men and private gentlemen is really so important, that I cannot consent to an adjournment.

Mr. GEORGE THOMPSON.—Then, sir, as I stated before, I shall continue to move the adjournment until it is carried, if I stay here till to-morrow morning.

Mr. LEWIS.—I really think, sir, on a question of this great importance, you should not act the ungracious part of refusing an adjournment. I am myself very much exhausted, and labouring under some indisposition.

Mr. POYNTER.—I do not appeal on my own behalf, sir, for I have already spoken, and am therefore not entitled to speak again; but I think that, as a matter of generosity and courtesy, if not of *common justice*, you ought at once to consent to an adjournment. I hope, with the example before you, of that long, long night which you once experienced, (hear and laughter,) that you will not refuse to grant the adjournment.

The CHAIRMAN, (after consulting with the Directors.)—We will adjourn till ten o'clock to-morrow.

(Loud cheers followed this announcement.)

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## ADJOURNED DEBATE.

SATURDAY, AUGUST 23RD.

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Mr. LEWIS.—Sir, when about two years ago, a discussion took place in this Court on the Sattara case, and the Court decided upon rejecting the motion for inquiry then proposed, on the ground that it was inexpedient to re-open the question, I determined, in deference to the opinion of the majority, although that opinion was opposed, in my judgment, to the first principles of justice, not to open my lips again upon the case, unless new facts and fresh disclosures rendered a renewed appeal to the Court necessary. That resolution may have been formed in error. I find no fault with those who think this question ought to be

again and again discussed, whether fresh disclosures are made or not : that is their view of the case, and they are as much entitled to act upon it, as I am to act upon my own. Sir, I have read the papers recently printed by Parliament and now before the Court, and they are my justification for again appearing before you, for I find in these papers a statement of new facts having a most material bearing upon the Sattara case. Facts and disclosures so important, that in my humble judgment, the question, whether the Raja of Sattara should be put on his defence, is no longer a question of expediency, but a matter of absolute right and of urgent and imperative necessity. It appears to me that we cannot evade this necessity, or shrink from what is now demanded of us, without fixing upon the character of the British Government, and upon this body, a deep and eternal stigma. Sir, if the new facts and fresh disclosures to which I have adverted are to be found in these papers, I beg to say, that I wish to confine myself, as the Deputy-Chairman has done (though in a different way) solely and exclusively to those papers. These facts and disclosures consist : first, of a statement made recently by a witness named Krushnajee Sadasew Bhidey, referring to the authorship of a petition said to be authorized by Girjabae; secondly, a statement regarding the seals of the Raja of Sattara; and lastly, a statement alleging the personation of a pretended witness, called Vishnoo Kessoo Dewusteley, and the fabrication of evidence in his name. Sir, the honourable Deputy-Chairman, I think, omitted the two latter circumstances. I believe he confined himself to the declaration of Govind Row, and to the charges made against Colonel Ovans. I confess, I think, those two points upon which he has so copiously treated, are, in comparison to the others, of minor importance. Sir, as to the statement now made by the witness Krushnajee, in order to understand the testimony he now gives, we must consider the evidence, and so far I am obliged to enter on previous matter. We must review the evidence which Colonel Ovans took, in order to authenticate that petition, and the orders which he received from the Bombay Government. We must observe closely the means he took, and the evidence he adduced, independent altogether, for the present, of the subsequent testimony of Krushnajee. We all know, that upon the 6th of March, 1836, a petition, purporting to emanate from Girjabae, was received by the Bombay Government. Upon

this, and the consideration of its contents, rest the many charges contained in it. I think the honourable Deputy rather underrated the importance of the fact, when he said that the authorship of the petition was not material, as it contained nothing but an index to the parties who could give evidence, or who were implicated in the alleged plot. If he looks again, he will find a memorandum attached to that petition, containing the most explicit charges of conspiracy. The petition itself deals in general charges; the memorandum annexed to it states much more particularly those charges. When the Bombay Government saw that petition, and considered its contents, it struck them that it was their necessary duty to authenticate it. They felt they would not be justified in proceeding with any inquiry until they had the true history of the document before them, and had ascertained with certainty the source from whence it emanated. With these views, they sent an order to Colonel Ovans to obtain the necessary information. Now, sir, what is the course that was pursued by that officer to effect this object? There was a rumour at the time that Govind Row, who was then in prison, in consequence of the proceedings of the Commission held at Sattara, would be speedily released. Colonel Ovans conceived that the explanation which this rumour might excite, would be an obstacle in the way of obtaining the information that he required for the authentication of the petition. What then did he do? He immediately dispatched Govind Row to Ahmednuggur, under a guard, with directions that he should be placed in strict confinement there; that he should be only attended by one servant, and that all other intercourse with him should, for the present, be prohibited. It is stated that this measure was adopted for the purpose of showing that the rumour of Govind Row's return was without foundation; and this being felt, that his mother and his other friends might be thereby induced to come forward, and disclose all they knew, as the only means of assisting him. When it was intimated to Girjabae that her son had been removed to stricter confinement, she appeared at the Residency in the greatest possible distress at what had been done, and petitioned for the release of her son. Colonel Ovans professed to sympathize with her, and told her that he was directed by Government to inquire into her case. It is a singular circumstance that he was directed by Government to inquire into her distress. I conceive the real object he



had in view, was artfully to allude to the framing of a petition. What was her reply? "I know nothing of any petition."—"She did not know of any such document, though one might have been written." She then denied that she had written it, or was acquainted with the writer; and the two persons who attended her, also denied the fact. This, therefore, did not answer the purpose of Colonel Ovans, of obtaining the information he wanted. What was the next thing done? Colonel Ovans states it himself, in his letter of the 21st of July, 1837—in the first paragraph of which he says:—"I had the honour to report in my letter to your address of the 7th instant, the result of my first interview with Girjabae, the mother of Govind Row Dewan, and since that time I have been in constant communication with her, through the medium of the two friends alluded to in that communication. I directed them to inform her, that until all the circumstances connected with her petition were clearly understood, that it would be impossible to take Govind Row's situation into consideration." Mark you!—"and I assured her of the protection of Government, as well as that whatever statement might be made, would at present be kept perfectly secret." Now I ask under such a guarantee as this, amounting to entire indemnity and secrecy, what was there that this woman might not have said, and that these attendants might not also have subscribed to? Really this is a most material circumstance. As a natural consequence, the very statement and information that Colonel Ovans wanted, is brought ready cut and dry by Suckharam Bullal. What is that statement? "I employed a person of the name of Mahdeo Fugery to write this letter, he wrote it after I had seen the Bhye." He leaves Colonel Ovans to infer that it was written in concert with the Bhye, by this person Mahdeo Fugery, who came there as a visitor, and shortly afterwards left, and went he knew not where. A similar statement was handed in, as from Girjabae herself. This information was forwarded by Colonel Ovans to the Bombay Government. It was regarded by them as satisfactory. Having thus satisfied themselves of the authenticity of this petition—they instituted those proceedings which resulted in the dethronement of the Raja. Those proceedings terminated antecedently, recollect, to August, 1838. Bear in mind, for it is most important, that the material evidence was all taken before that period. Now, mark! Shortly after the communication

was made to the Bombay Government, containing the statement of Suckharam Bullal and Girjabae, the witness Krushnajee appears at Sattara, and informs Colonel Ovans that he, and not Mahdeo Fugery, was the writer of the petition. His evidence is in the Blue-book, page 1028. He says—that Lukshman Punt Shekdar came to him, and told him that he had a communication to make from Girjabae, that it was a delicate matter, and he must write a petition to the Government. The witness asks, “Of what benefit will my lending myself to this affair be to me?” He is told that he shall receive five rupees for writing the petition. This satisfies him, and he prepares and writes the petition. When the petition is so prepared, and before it is sent to the Bombay Government, he asks what reward he shall receive for his services? He is told by Luckshman Punt Shekdar—“When the Lukhota is forwarded, 250 rupees, and when an inquiry is commenced, 1000 rupees; out of which half of the amount of rupees will be given, and when the persons whose names are given are imprisoned, and the inquiry has terminated, the other half of the amount of the 1000 rupees will be given.” “No sooner had he said so,” says the witness, “than I said,—when the persons named by you are about to be taken for inquiry, let me have on account of Shella and Pagotee (that is for a turban and something else) fifty rupees, and afterwards one hundred rupees on account of each person,—that is, of the twelve persons named in the petition; being 1200 rupees in all.” The Shekdar said, “I will communicate your proposal to the Bhye.” Having said so, he went, and afterwards he returned, saying he had asked the Bhye, and he said, “the Bhye says, as to the urzee putru (or petition) having reached the Company’s Government, an indication will be seen here when the persons who are named begin to be taken (seized), then the amount of reward proposed by you, or that on our part, as mentioned by you, which are of the same nature, will be ready (become due.) Why is any fresh writing required?” So, that the effect of what the witness says is, that he wrote the petition—that he did so at the dictation of Lukshman Punt, and that Lukshman Punt communicated to him, and with him, as the agent of Girjabae, and that he was to receive for the services rendered in this transaction, in all, 1250 rupees. That is shortly the substance of his testimony. Now,

sir, before I contrast that testimony with what has since transpired, I think it is necessary to pause, and to consider what really appears to me the most extraordinary, and I must say, the most damning transaction in the whole of this case. You will all remember that this evidence of Krushnaje's, which I have just been reading, was in the possession of Colonel Ovens a fortnight after the other evidence had been sent to the Government. From that moment, till all the inquiries had terminated, that evidence was retained in secrecy in the possession of Colonel Ovens, and was never forwarded to the Government that had so anxiously required it. Now, sir, I ask, was it just towards *the accused party*, that this material testimony, in every respect directly contradictory to that which had been forwarded to Government, should be suppressed? (Hear, hear.) Was it just to *the Government of Bombay*, who from the first had made the authentication of that petition a matter of the very highest importance? who would not proceed upon that petition at all till they were satisfied upon that point? Was it just, I ask, to that Government, utterly to suppress that testimony, and allow them to adjudicate upon what Colonel Ovens knew to be false? Was it candid, was it ingenuous, was it honest, on the part of Colonel Ovens thus to act? Sir, we have seen the importance that the Bombay Government attached to the authenticity of that petition, and very rightly so; I ask, then, whether, if that testimony which was suppressed had been forwarded by Colonel Ovens, as it ought to have been, shortly after the commission, and antecedent to the imprisonment and examination of witnesses, is it not quite certain—certain to demonstration—that the Bombay Government would have said—“Why this story that has been told us is all falsehood—it is a fabrication from beginning to end. Here we have one person stated to be the writer of the petition, and then another. Here it is attributed to Girjabaec, and here to somebody else;—we can do nothing upon such evidence?” (Hear, hear.) I really do put it to any candid man who hears me, whether these proceedings would not have dropped *in limine*, if Col. Ovens had honestly and fairly sent that testimony to the Government? If you think that, and I know not how you can come to any other conclusion, in candour and justice, then, I ask you, as judges in this case, to give the Raja the benefit of these subsequent disclo-

tures. You have now the discovery of this fact, the evidence in support of which is perfectly unanswerable ; indeed, it has not been attempted even to be explained. Let the Raja I say, have the benefit of it. The honourable Deputy-Chairman did not venture to grapple with this damning feature of the case. And why ? because he knew he could not ; and therefore he left it where he found it, and where it still stands. As honest men, give the Raja of Sattara the benefit of this revelation. As honest and independent men, say you will not believe one single portion of testimony which was collected under a false impression of the authenticity of that petition. I repeat it,—I look upon this as the most extraordinary, the most convincing, and the most damning circumstance in the whole history of these transactions.

Now, sir, I will proceed to contrast the testimony which was given by this person to Colonel Ovans, in September, 1837, with what he has since said in the course of the petitions presented by him against Colonel Ovans, and Ballajee Punt Nathoo. This witness, Krushnajee, after the inquiries had terminated, and had issued in the dethronement of the Raja, came to Sattara to claim his promised reward. He went, not as the honourable Deputy-Chairman stated, to Girjabae for the money—that was not the case—(hear, hear)—he applied to Colonel Ovans for it. What he states is this, and upon this point I shall be borne out by the petition, which I shall shortly read—that having in his possession certain papers—and amongst others two letters purporting to be from Girjabae, which promised him a reward of 1250 rupees—he gave these, with other documents, to Abba Josee, who gave them to Ballajee Punt Nathoo, and through him they came into Colonel Ovans's possession. The evidence on this point is perfectly clear. All the letters, and other documents, in the possession of this man, were obtained by Colonel Ovans through that medium. That has not been, and cannot be denied. (Hear, hear.) Ballajee Punt Nathoo, on receiving these letters, entered into a guarantee to this person, and pledged himself to the payment of 1250 rupees. That is what this witness says, and I think the conduct of Ballajee Punt Nathoo will pretty well make out what he states. Allow me just to call your attention to the petition itself, from which it is perfectly clear that

he went, not to Girjabae, but to Ballajee Punt Nathoo for his reward. I am sure the honourable Deputy-Chairman did not wilfully misrepresent the case, but he certainly did not state the fact correctly.

Mr. HOGG.—I think the words in the petition are, “that she passed a writing”—“that she made herself responsible in some way.”

Mr. LEWIS.—Yes, it is in the first petition in these papers—the petition of the 22nd of December, 1842, p. 15. He says, “I beg to represent, that as Govind Rao Dewan was put into custody on account of the political proceedings of the ex-Raja of Sattara, his mother, Girjabae, widow of Wittal Ballal Mahajunee, *sent Lukshman Punt Shekdar to me*, and caused a representation of her circumstances to be laid, *through me*, before the Government; in consequence of which, (that is, after I came to Sattara again,) Abba Josee took me to Ballajee Punt Nathoo. Nathoo having looked over the papers of Girjabae’s case, which were in my possession, said that they would be useful to the Resident; that I should give them to him (Nathoo) to be made over to the Sahib; that I should furnish a statement in writing, of what might have been done through me; that the Sahib would then be pleased with me; that I would receive the amount of the reward for which Girjabae had passed a writing to me, (namely, the letter sent to him at Punderpore by Lukshman Punt Shekdar,) and that such an arrangement as I would wish would be made. Having made such promises, Nathoo took the papers from me, and gave them to the Resident; to whom he afterwards introduced me, when I furnished to him (the Resident) a written statement of what had taken place, which proved satisfactory to him. Subsequently, Nathoo, having given me fifty rupees on account of the reward of 1250 rupees, stated in the Bhye’s writing, took a receipt from me in the name of the Resident, and intimated to me, that the payment of the fifty rupees must be an acknowledgment (on the part of the Resident) of the obligation to pay the remaining 1200 rupees, which would be paid to me on the conclusion of the investigation.” Thus, sir, the petition at once demonstrates, that Krushnajee never sought, or asked, for the interference of Government to obtain money from Girjabae, which

is a great mistake of the Deputy-Chairman, in reference to this case. The prayer of the petition is this: he says, "I therefore earnestly entreat, that the Resident may be directed not to pay attention to their misrepresentations, but to view my case with an indulgent eye, and to require Josee and Nathoo to cause 1100 rupees to be paid to me, and to obtain the grant of a pension to me from Government, and to protect me." In a subsequent petition, on p. 19, I find the same statement, and a prayer is to the same effect. I say then, this witness, from the very beginning, and throughout, came for his reward, as is evident from these papers, to Ballajee Punt Nathoo and Colonel Ovans. What did Ballajee Punt do? He paid him *one hundred rupees*—that he himself *admits*—but he would pay him no more. In consequence of this, Krushnajee went to Colonel Ovans; and, very naturally, for he knew, and every one else was also aware, that Ballajee Punt Nathoo acted as the agent of Colonel Ovans. He knew that what Ballajee Punt Nathoo had undertaken to do, Colonel Ovans was bound to perform. It was the most natural inference that he could draw. He goes therefore to Colonel Ovans, and asks for his reward, and Colonel Ovans refuses to pay it. He then appeals to the Bombay Government. What do they do? They send the petition to Colonel Ovans for his report. It is in that report, that Colonel Ovans makes it appear (as I think certainly most unfairly and improperly) that what this petitioner sought, was a reward from Girjabae: and that, as he sought a reward from Girjabae, the Government ought not to interfere. Let him go, he is told, to the native Courts, and get what remedy he can there.

Mr. WEEDING.—"Apply to the Raja," he says.

Mr. LEWIS.—Yes, but Col. Ovans knew very well that it was a mockery to tell this man to apply to the Raja, who was a puppet in his own hands. He knew perfectly well the nature of the pledge that Ballajee Punt Nathoo had given. In the third paragraph of Col. Ovans's report, at page 17, the prayer of this petitioner is stated by Ovans to be, "that the reward due (as he says) to him by Girjabae, may be paid to him, conformably to her agreement, and that a pension may be granted to him." Let any man read the petition upon which this report is made, and I think he will see at

once that it justifies no such statement as that. What further does he say? "As regards the reward promised to him by Girjabae I know nothing." Is this the statement of Col. Ovans, the man who took the deposition of Krushnajee?—(hear, hear)—who had in his possession all the papers which Krushnajee had? who saw the letter in 1837, *promising* the reward of 1,250 rupees? Is this the man who can now venture solemnly to state to the Government, that he knows nothing about any reward made in the name of Girjabae? I was going to say, what credit can be given to any statements made by such a man!

Mr. WEEDING.—Col. Ovans meant to say he was no participator in the promise of the reward.

Mr. LEWIS.—I beg your pardon; words are words; they are not to be explained away in such a manner. I must request that, unless I am really out of order, I may not be interrupted.

Mr. WEEDING.—I beg pardon.

Mr. LEWIS.—Such interruptions divert a speaker from his argument, and the case itself is sufficiently intricate.

The CHAIRMAN.—*I beg you will not interfere, Mr. Weeding.*

Mr. WEEDING.—I will not, sir; I am sorry I have done so already.

Mr. LEWIS.—"If this petitioner," says Col. Ovans, "has any claim against Girjabae, he should bring forward that claim in the regular courts of this country, or make a petition to his Highness the Raja of Sattara." A recommendation, founded on the assumption of a fact, which, Col. Ovans knew, if he had read that petition, was not true. He must have known it was utterly false. The petition asserts no claim on Girjabae whatever. What is the answer of the Bombay Government? Why, of course, they echo, as they always do, the language of Col. Ovans. They have no discretion, poor creatures! they are bound hand and foot by whatever Col. Ovans says. They tell the petitioner that they cannot interfere in this matter, that he must go to the Courts, and establish his claim as well as he can. What was the consequence of this? Disappointed of his reward from the parties from whom he had a right to expect it, and mortified at the treatment he had received, and having the means of criminating the conduct of Col. Ovans and

Ballajee Punt Nathoo, he determines,—I care not what his motive, whether resentment or revenge, it does not affect his veracity,—he determines to make these facts public. I have said he was annoyed at the treatment he received ; he knew that there ought to be honesty even amongst certain men, and that honesty he did not find there. He seems to have said, “ As you have not performed the contract into which you entered with me when you thought I might be of use to you, I will treat you as you deserve to be treated.” He presents therefore a petition to Government, in which he states various charges of corruption, malversation, and bribery against Ballajee Punt Nathoo and Col. Ovans ; not vaguely and indefinitely, but supported by the most distinct and available evidence : and he openly and fearlessly undertakes to prove all his charges if the opportunity be given him. With regard to these charges, let me say, that in my humble judgment they have but little to do with the Sattara case. Whether Col. Ovans or Ballajee Punt Nathoo are or are not guilty, is, in my opinion, immaterial to the Sattara case. Their innocence or guilt cannot affect the innocence or guilt of the Raja. There is no connexion between them excepting this,—that if these charges had been gone into, and the witness Krushnajeel had established them, then I admit there certainly would have been established a strong collateral case in favour of the Raja, because we should have been able to point to the nature and character of the agents who were intrusted with the conduct of the inquiry. Nearly three parts out of four of the Deputy-Chairman’s speech consisted of remarks on the charges made by Krushnajeel against Col. Ovans. He seemed to consider himself the advocate of Col. Ovans, and he laboured very hard to draw from the petitions of this witness the proof of contradictions, for the purpose of showing that he was what he described him to be, “ a perjured wretch.” And hence he sought to justify the Bombay Government in the mode in which they dealt with these charges. Sir, I am at issue with the Deputy-Chairman on this point. He has stated that the Bombay Government was right in treating these charges as they did. I say that they were not justified in their mode of proceeding. If a petition is presented, containing vague charges, and you do not know who the author of the petition is,



you might so treat it; but when a petition is presented by a party who was a Government witness—when it comes from such a witness as this—when it clearly specifies definite charges, accompanied by evidence most minutely detailed—when the accuser gives his own and other security, to prove the truth of every one of his assertions—when he places himself within the jurisdiction of the British Government, and is willing to abide by any punishment that Government may choose to inflict upon him, if he does not prove the truth of every tittle of his statement;—I say, sir, when a petition, containing charges, comes in this shape before the Bombay, or to any other Government, inculcating the conduct of public functionaries connected with that Government, it is the solemn duty of that Government at once to institute proceedings with a view to ascertain the whole truth. (Cheers.) Why, what does the justification which has been attempted to be set up amount to? Admit that Krushnajeel is a “wretch,” as you have chosen to describe him: he may be all you have said, and yet his testimony may be credible and the evidence he offers good. He may be all that you describe him, but you are not therefore justified in repudiating his charges against an officer in your employ, whom he accuses of being a confederate. It is very well to say that when a charge comes from such a person as this, it would cast an unmerited stigma on the accused to treat it with seriousness. I put it to the Deputy-Chairman whether, supposing (and such a thing has happened within my recollection) that any person were to calumniate him publicly, and to impute to him offences of which, in the opinion of everybody else, he would be acquitted on his bare denial;—suppose the individual who made these charges was a person of the most vile character, and everybody admitted he was so, I wish to know what the course would be that he would think it due to himself and the public to pursue? Would he leave the matter where he found it? Would he say to those who heard of these charges, “My good friends, do not trouble yourselves about these calumnies; the fellow who utters them is a perjured wretch, and my character is so high that they cannot reach me. Treat them with contempt?” “No,” he would reply, “no matter who my accuser may be, these atrocious charges are gone forth to the public, and the public shall be satisfied.” Now, sir, in the case before us the administration of justice has been grossly interfered with. A public officer is most

deeply concerned in these charges, and the public has a right to be satisfied of their falsity. In your own case, I am sure you would demand an immediate investigation, and you would never rest satisfied until a jury of your country had acquitted you of so foul an imputation. (Cheers.) If in the case of a private individual, such is the invariable course pursued, how much more important is it that in such a case as that before us the Government should take care that their functionaries are fully cleared from such charges as those contained in this petition! Recollect upon what ground it is that the Bombay Government dismissed these charges against Colonel Ovans; when they received this petition, they forwarded it to Colonel Ovans and to Ballajee Punt Nathoo. They did right. They ought to have done so in the case of the unfortunate Raja; but they forgot their duty then. It was just to these parties that they should see the charges. What is their reply? that the charges are false—that the person who makes them is a calumnious and foul libeller. What then does the Government do? Why, upon the *ipse dixit* of these persons they dismiss the petition. They believe the empty and unsupported assertion of the accused, and dismiss the petition at once! Sir, I agree in the opinion of the Honourable Mover of these resolutions, that Colonel Ovans, as a British officer, ought not to have rested night nor day until he had compelled the Bombay Government (if reluctant to do so) to institute an inquiry into this matter. It was due to himself—to the character of the service to which he belonged, and it was absolutely necessary to insure the peace and happiness of his future life to have demanded inquiry; for, speak of him as you please here, extol his character as you will, represent this witness, Krushmajee, if you choose, as the worst of human beings, yet, after all this stigma never will leave the character of Colonel Ovans until a public tribunal has honourably acquitted him. (Cheers.) I do not know what induced the honourable Deputy to enter so largely upon this part of the case, and to dwell so long and so vehemently upon the propriety of suppressing all inquiry into the conduct of Ovans. If it was intended to influence the conduct of his colleagues in the Direction, I trust they will carefully consider the sophistry of his arguments before they come to a resolution to approve of the conduct of the Bombay Government in having thus prevented the due administration of justice. If his speech was intended to forestall the public judgment, if he delivered

his views on this case, well knowing at the time that other Directors did not intend to take the opportunity of delivering theirs, I do trust that those who have been misrepresented on this occasion will give us the benefit of their opinions to neutralize the effect of what has been said. (Hear.) Let me now direct your attention to one or two statements made by the witness Krushnajeel in the course of these proceedings. I will first take a statement in the petition to the hon. Governor in council, at page 13 of these printed papers. This is a material part of the case. He says: "I did myself the honour to present a petition to your honourable Board on the 29th of September last, requesting a proper inquiry into certain charges of bribery and extortion against Ballajee Narrain Nathoo, therein specifically mentioned. Indeed I am a man in humble circumstances, but the Nathoo is a privileged gentleman, who, in the course of his villanous transactions, has deprived me of a sum of 1,100 rupees, which was promised me as a reward for services rendered in connection with the late inquiry at Sattara." Again, he says in his petition (on page 11):—"I most earnestly beg the indulgence of your honourable Court, most humbly to intimate, that when Govind Rao, the Dewan (Minister) of the late Raja of Sattara, was imprisoned, I was, being connected with the affair of his mother, Girjabee, inveigled by Ballajee Punt Nathoo to his own side, and was promised by him a reward of 1,250 rupees, and a pension in addition." Then, in the solemn affidavit made by this witness, which you will find on page 12, he makes this statement: "I, Krushnajeel Sadasew Bhidey, now residing in Bombay, do hereby *make oath and solemnly declare*, that the several charges preferred against Ballajee Punt Nathoo, in the two petitions that I have presented to the Bombay Government, the former dated the 29th day of September, 1843, and the latter dated 10th day of November, 1843, *are just and correct, and I pledge myself to support them as such, by legal and competent witnesses, and also by documentary proofs now in possession of the local Government.* I further make oath and declare, that the said Ballajee Punt Nathoo made the deposal of the late Raja of Sattara *subservient to the aggrandizement of himself and his creatures*, and that he (Ballajee) had promised me, in connection with the affair of Girjabee, the sum of

1,250 rupees, and that out of this sum Ballajee paid me only 150 rupees *through the Resident, Colonel Ovans*, and that, after availing himself of my services, he now refuses to pay me the remainder of the promised sum." Sir, contrast the statements which he now makes with those which he made in 1837. In that year he represented that the contents of the petition which he had written proceeded from Girjabae; here he states that they emanated from Ballajee Punt Nathoo. On this point the Deputy-Chairman and myself are agreed; and so far we both differ from the views of the hon. mover of these resolutions. Here Krushnajee states that Ballajee Punt Nathoo was the author of the petition. He says,—“Ballajee Punt Nathoo made the dethronement of the Raja subservient to his views.” “Ballajee Punt Nathoo inveigled me to his own side.” “Ballajee Punt Nathoo promised me a reward of 1,250 rupees.” As the Deputy-Chairman observed, “you may see, although there is not a positive and direct statement to that effect, that Ballajee Punt Nathoo was the source whence the petition emanated.” In that remark I perfectly agree with the Deputy Chairman. You can put no other construction upon these statements than this, that the petition emanated from Ballajee Punt Nathoo. I would ask you to take these material discrepancies — discrepancies, however, which reveal the real author of the petition—into your most serious consideration. I would ask you, which do you believe to be the true statement? Can any one doubt that the latter is the true statement? (Hear.) Consider for a moment the circumstances under which the two statements are made. When Krushnajee made the first, he was induced to do so under the expectation of a reward of 1,250 rupees. When he made the second, not only was there no reward or promise to warp his evidence, but he had placed himself under the jurisdiction of the British Government, had given security and bound himself under fearful penalties to speak the truth *upon his oath*, knowing that he was subject to imprisonment; and upon his oath he states that Ballajee Punt Nathoo was the author of that petition. (Hear.) But that is not all. This second statement is casual and accidental, and, as it were, involuntary, arising naturally out of the proceedings pending at the time, and not intended to benefit the Raja. Krushnajee is no friend of the Raja of

Sattara ; but, on the contrary, he is a witness against him—a witness for the prosecution—so that his testimony becomes infinitely more valuable in consequence of that circumstance. (Hear.) He distinctly swears that Ballajee Punt Nathoo is the author of this petition. Now, if that statement is true, I ask you whether that for which the advocates of the Raja of Sattara have been contending—upon which they have so often laid such stress—namely, that this was a Brahminical conspiracy, emanating from the avowed enemies of the Raja, with Ballajee Punt Nathoo at its head, is not true ? The honourable Director, General Robertson, proved, at least to my thorough satisfaction, that this was nothing but a Brahminical conspiracy, and that its fosterer and concoctor was Ballajee Punt Nathoo ; and that the British Government were the mere tools and dupes in the hands of him and his accomplices. I say, if these things be true, then that which we have been contending for is made out, and the case of the Raja of Sattara ought to be considered as at an end. Sir, I contend, that if there be the slightest suspicion about this petition—if it be possible to cast but the shadow of a shade of doubt upon the statement of its having emanated from Girjabae, if there exist the least ground to suppose that Ballajee Punt Nathoo was its author, we have an unquestionable right to contend that the whole case ought to be subjected to the most severe investigation. But there is not only the evidence of Krushnajee, but a considerable amount of collateral and corroborative testimony. We have the evidence of Ballajee Punt Nathoo himself. There is his declaration, that when he was applied to for the reward he paid 100 rupees, having paid 50 previously. Is not that a strong corroboration of Krushnajee's statement, that Ballajee Punt Nathoo was the author of the petition ? If he paid the man this money—which he admits—I think every one must infer that he was in some way or other connected with the getting up of the petition. You have also the statement of Girjabae. When first interrogated she denies that she knew anything of the petition or its authorship. Then you have her two subsequent declarations, made in the most solemn manner. Here, then, you have negative testimony to the truth of the statement, that Ballajee Punt Nathoo was the author of the petition.

In the first instance you have the original declaration of this

woman, according to Col. Ovens himself, in his own handwriting, that she was not the author of the petition, and that she knew nothing about its contents, and then you have her making solemn affirmations, accompanied by the most impressive ceremonies known to the laws and religion of her country, denying that it came from her, or was ever in any manner authorized by her. You have, further, the declaration of Govind Row, *also upon oath*, in which you will find it stated that Ballajee Punt Nathoo was the writer of the petition. This evidence has satisfied my own mind; and unless any honourable proprietor can show by an examination of the papers that the facts are not as I have stated, I trust those who hear me will believe that the evidence is strong enough to establish the proposition that this petition is the result of a foul conspiracy. Sir, a majority of the Court of Directors thought this disclosure a very important fact, and accordingly remitted it, as well as other evidence, to the Bombay Government, in the hope of receiving further information. Now, let me ask, what is the information given by the Bombay Government with regard to these statements of Krushnaje? The evidence on the one hand is strong that Ballajee Punt Nathoo is the author. What do the Bombay Government state with regard to the authorship of this petition? I have read these papers, and all I can find in the way of information, is a most immaterial and unimportant point. It is contained in the minute of the Bombay Government, at page 40. Their comment upon the evidence of Krushnaje is this:—"It is most improbable that Krushnaje Sadasew Bhidey would have so long concealed his present story, if it was the true one." Now, I put it to honourable proprietors, whether this is not the most unsatisfactory, lame, and feeble comment which could well be made upon such a statement? Why, the probability or improbability, is quite the other way. How was he to make known his story, if it was a true one, before? He had pledged himself for a bribe to tell the former tale, and so long as he had a hope of receiving it, he would, of course, adhere to that story. It is only when he discovers that he shall not obtain his promised bribe, that he resolves to come forward and state the true facts of the case. That, Sir, is the first disclosure to which I advert. The second, and a new fact, which I think lays another ground for in-

quiry, is, *with regard to the SEALS of the Raja of Sattara*. I beg that honourable proprietors who are influenced by the judgment of the majority within the bar, will recollect, that the Court of Directors have considered these facts, which were new themselves, important, and have asked for a satisfactory explanation. We all know that certain papers were purchased by Col. Ovans from Balkoba Kelkar, a gang robber. Among them were the impressions of mortub and sicca, or the great and small seals, supposed to be the seals of the Raja of Sattara. They were forwarded by Col. Ovans to the Bombay Government. Since these proceedings took place, the seals have been examined, and the inscriptions translated, and the seals,—which were supposed to be those in daily use by the Raja, are proved not to be his at all. (Hear.) They are found to be the seals of a sovereign named Sevajee, who reigned some one hundred and seventy years ago. Now, Sir, the forged papers, supposed to have been sent from the Government of Goa, and the Raja of Nagpore, were sent up to the Bombay Government, by whom they were very much relied upon, and were considered by Sir Robert Grant as most material evidence in support of the charges. These are all proved to be fabricated, and the seals, as I said before, are found not to be the seals of the Raja. What is the further information which has been received upon what everybody must admit to be a most material part of the case? The Directors sent to the Bombay Government for further information, and what have they done? They have referred the matter to Col. Ovans. And what does he say? At page 43 of these printed papers you have his statement upon this very material point. The 6th and 7th paragraphs run thus :—“The papers marked Nos. 13, 14, 15, and 16, of these accompaniments, refer to the inscriptions on the seals used by Nagoo Dewrow. But although these inscriptions may not have corresponded with the inscriptions on the seals in daily use by the ex-Raja of Sattara, still this does not appear to me to throw any doubt on the Goa case, or to disprove the mission of Nagoo Dewrow, as it is not likely, that upon such a mission, the real seals of government, or *fac similes* of them, would have been intrusted to him. It is rather to be supposed that concealment would be resorted to, and seals of a former reign used, which would answer the

purpose as well, and thus less danger would be incurred. But the seals used by Nagoo Dewrow are now at Sattara, and *perhaps*, if carefully compared with the old seals of the Sattara Government, of which I believe there is a great number in the possession of the present Raja, this might throw some light on this part of the affair." Now, I put it to those who hear me; where does the probability in this case lie? Is it probable that if this transaction had taken place, *fictitious* seals would have been used? Remember, that the transactions were carried on through the medium of an agent, and that they related to most important affairs. It was necessary that the Governor of Goa should be satisfied, that whatever passed between him and Nagoo Dewrow, should be authenticated, and that, too, in the clearest manner, by the *genuine* seals of the Raja of Sattara. There is the probability. Not that such an agent as this should have recourse to fictitious seals, and for this simple reason; because he would not be believed to be the accredited agent of the Raja of Sattara. (Hear.) Now, Sir, it is a little singular that Col. Ovans did not give you this remark at the time the seals were discovered.

Mr. WEEDING.—He did, Sir.

Mr. LEWIS.—Not fairly.

Mr. WEEDING.—Here are his words, "That the seals are not those generally used by the Raja, and there is no direct proof to show how they first came into Nagoo Dewrow's possession." Colonel Ovans, in his letter, lays no stress on the seals, and thinks them of no great consequence.

Mr. LEWIS.—I admit the remark, but mean to say that Colonel Ovans did not give the Raja the benefit of this fact; but, on the contrary, made it, as he now does, tell against him. The Government of Bombay, and Sir Robert Grant, attached great importance to the papers with these seals, and looked upon them as part of the evidence, and as a very material portion of it. Sir, I put it to you, whether, if it is but barely possible, that this charge of the Goa conspiracy was in any degree substantiated by the existence of these seals, if it is not a fact which deserves further consideration? Now, Sir, with regard to the other seals. There were two which were transmitted by the Bombay Government through the medium of



Mr. Dunlop and the Swamee of Sunkeshwur. They were forwarded to the Government, and at the time, Mr. Dunlop stated in his letter, that these seals had the name of the Raja upon them. Now, Sir, in consequence of these proceedings, the inscriptions upon them have been translated; and it is found that they are not the seals of the Raja, and that they have not even his name upon them, which Mr. Dunlop represented they had. That they have the name of a Peishwa, Sadasew Bajee Row; and upon investigating the records of the Government, in order to ascertain who were the sovereigns who from time to time have reigned in that country, it is found that there is no such person of that name who was ever upon the throne, or ever filled the office of Peishwa. Now, Sir, here is palpable, direct, and uncontradicted forgery. This you very properly thought material, and you have asked for information upon it. What information have you received? Does Colonel Ovans venture to deal with these seals? No; he does not even condescend to make a remark upon them. What do the Bombay Government say? Do they give you the necessary information upon this point? No; they see Colonel Ovans has not made any remark upon them to explain away this circumstance, and they say in their minute, alluding to Colonel Ovans, that "*he has omitted to notice the discrepancy in the name of the Peishwa said to be engraved on the one set of seals.*" He has omitted to notice the discrepancy! Good God! For a Government deciding the fate of an honoured prince, to call such a fabrication a mere "discrepancy!" I appeal to you with the utmost emphasis and solemnity, are you, or are you not, satisfied with this miserable answer to your demand? You have thought it material—you wanted information—you required that information—and you received none. If this was the only fact I had to show, is not this sufficient to justify a demand for inquiry? I put it to you again; let us have your answer.

The next point, Sir, which I think very material, is the discovery of the personation of the witness Vishnoo Kessoo Dewasteley. This discovery has arisen, in consequence of the proceedings which have taken place here. The testimony of this man, or rather the evidence attributed to him, has been printed; he has seen it, and has made a solemn oath (I have his affidavit in my hand) that he never

was examined as a witness during these proceedings, and that he never delivered one tittle of that evidence which is imputed to him. That is his solemn oath. This you thought material; and very properly so, and required information upon it. What information have you upon this subject? Does the Bombay Government give you any? No; they refer it to Colonel Ovans. What does Colonel Ovans say? His answer is in the 7th paragraph of the document to which I before alluded. "As regards No. 17 of these accompaniments, which is stated to be the translation of a letter from Vishnoo Kessoo Dewasteley, denying that he ever appeared as a witness against the ex-Raja; not having the evidence of this person to refer to, *I cannot now recollect* either the *person* or the *statement* of this witness. All I can say, therefore, is, that the deposition of every witness was duly taken, and *attested* by me; and that *it is not likely* that any *mistake* as to the identity could have occurred. *But*, Ballajce Punt Nathoo must be *personally* acquainted with the witness, and must have a perfect recollection of these occurrences. I have little doubt that he would be able to afford Government any further information either upon this or any other point connected with these proceedings, though, as before remarked, it does not appear to me to be either wise or expedient to re-open the case of the ex-Raja of Sattara." Now, really, Sir, is it not enough utterly to disgust and nauseate one, to find such language employed, as an answer to every attempt to obtain inquiry and justice. (Hear.) From first to last, here and in India, we are constantly met with this phrase, "the INEXPEDIENCY of re-opening the case." He then goes on to say that to re-open the case, "or to institute any fresh inquiries upon this subject, would not only be inexpedient, but might raise the hopes of the disaffected throughout the country." Instead of inquiring, then, the consequences are held *in terrorem* over you. And are you to be made to quake under such a statement as this? And will you deny justice, because the doing of it might involve both public and private inconvenience? Is this information satisfactory to you? (Cries of No, no.) What have you on the other side? A solemn statement of this man made upon oath, that he never delivered one tittle of the evidence imputed. There is nothing to meet that but this disgusting reason for

stifling inquiry suggested by Colonel Ovans. But the deficiency of Colonel Ovans is attempted to be supplied by a reference to Ballajee Punt Nathoo. Why then was not Ballajee Punt Nathoo resorted to? Why was he not interrogated upon this question? and why did not the Government, after interrogating him, lay before you the examination? These are questions which the Bombay Government will have to answer, if justice be done by the authorities in this country.

Sir, I started with saying, that these were the three important discoveries on which I relied as fresh grounds for an inquiry. I think I have shown you, by intelligible references to these documents, that the evidence of the witness Krushnajeel proves that Ballajee Punt Nathoo was the author of the petition. I have also attempted to show you, by confirmatory evidence, that the allegation of that witness is true. I have shown you, by a reference to the information you have received from the Bombay Government, that on that most material point you have only a lame and inconclusive comment on probabilities. I have shown you that, with regard to the seals, evidence clearly and distinctly proving that, as to one set of those seals, they were not those belonging to the Raja, but to a person who lived some one hundred and seventy years ago. With regard to the others, that they were mere fabrications from beginning to end. I have proved also, by a reference to the minutes made from time to time by the Bombay Government upon that part of the evidence, that it had considerable weight in influencing the judgment of that Government, so far as the charge of the Goa conspiracy was concerned. I have shown you most clearly, that one witness has proved that he has been personated, he having solemnly declared that he never delivered the testimony that is attributed to him; and that, although his evidence has been submitted to the very man who attested the alleged fabrication, there has been no disproof, and not even a denial. I deliberately ask, therefore, whether I have not shown, from these documents, a clear and undeniable case for further inquiry? If any proprietor or director shall follow me in this debate, and distinctly prove the contrary of what I have asserted; if he shall show that the allegations I have made, and the references which I have given, are false; or that the inferences I have drawn are not justified, I shall be the first to recant the opinions that I have expressed. Sir, there is one more point, though I do not bring it forward

as a new fact ; I allude to the confession of Govind Row, a matter which formed the subject of a considerable part of the speech of the honourable Deputy-Chairman. Now, I really must say that the chief portion of his observations and remarks upon that case were not fair. For instance, a great deal, it is said, turns on the character of Colonel Ovans ; and then a long dissertation is read to us on the ability with which that gentleman has discharged his public functions. What has all this talk about the zeal, ability, and past honourable conduct of Colonel Ovans to do with a question of evidence, with which his character has nothing to do ? Then again, in order to introduce a parade of compliments, it is assumed that Mr. Hutt is attacked. Why, the notorious fact is, that not a single person, either here or elsewhere, has ever said one word in disparagement of Mr. Hutt.

Mr. GEORGE THOMPSON.—Hear, hear.

Mr. LEWIS.—We all admit him to be a person of the highest respectability ; and observing the treatment he pursued towards Govind Row, we say he has discharged his duties with humanity. And yet a vindication of Mr. Hutt was a part of the speech of the Deputy-Chairman. This mode of proceeding is unfair. There are proprietors here who are influenced by opinions uttered by directors, and by such proceedings as these are drawn away from the real merits of the case. They are led to consider that the conduct of their public officers is attacked, and that the discussions upon the Sattara case are merely the vehicle for the purpose of wounding their characters. (Hear, hear.) Now, sir, as to this confession of Govind Row—what is it ? He has stated in his declaration, that the confession, as it is called, was extorted from him in a dungeon. Is not that true ? Was not that confession “*extorted*” from him in the strict legal, moral, and universally accepted sense of the word ? The extortion was on the part of the Government—the extortion was on the part of Colonel Ovans—the extortion was, the strict confinement to which he was sent, the banishment of the man from his family, the interception of his letters, a solitary captivity of ten long months. The extortion was, the iniquitous mission of Sakharam, the author of the statement attributed to Girjabee, who was sent to Nuggur for the express purpose of getting the confession, and at whose dictation this “*voluntary*” statement was drawn up, and delivered to Mr. Hutt. There is the *extortion* ; and

I ask any man who looks calmly at these facts, to say whether that confession was not extorted! Who is the man who, under such circumstances, would not be ready to say anything and everything he was asked? (Hear, hear.) When the law says that evidence taken under *duress* is not to be admitted, what is meant by it? *Duress* is but another word for extortion. We do not mean to say you must present a pistol to a man's head before you are guilty of extortion. You take a much more efficacious method; you adopt a more quiet, secret, and efficient plan; you irritate his mind, you annoy and perplex him, you subject him to every conceivable privation, you place him in a situation in which his mental energy is exhausted and his moral firmness broken down; you cut him off from the common air, from the free use of his own limbs, from social intercourse, until at last he can do nothing, think of nothing, enjoy nothing; life itself becomes a burden; and he is ready, in the state of imbecility to which you have reduced him, to do anything, to say anything, and to subscribe to anything you please. (Loud cheers.) This is the Bombay method of extortion. Mr. Hutt's letter leaves the charge of extortion completely untouched—extortion in the sense in which that charge is made.

Now, Sir, I think I have gone over the material points of this case. Let me now for a moment institute a contrast. Let me ask, how the Bombay Government can reconcile their conduct to themselves; or, if you approve of their course, how you can reconcile your conduct to yourselves? A petition was presented by Krushnajee; that petition contained charges against Ballajee Punt Nathoo and Colonel Ovans,—clear and distinct charges, supported by abundant evidence. Securities were given to prosecute those charges, an oath was also taken, so far as the witness could affirm that the facts were within his own knowledge. Besides that, there was the recommendation, together with the opinion of the agent for Sirdars, Mr. Warden, a man most competent to advise the Government on the subject. A recommendation that a prosecution should be conducted against Colonel Ovans and Ballajee Punt Nathoo, and that Krushnajee, the writer, should be called on to prove his statement. If I am wrong, I should like to be corrected in that. Is it not so?

Mr. Hogg.—If the honourable proprietor appeals to me, I say

there is no recommendation ; Mr. Warden takes the question generally ; it is a general statement of the truth of his assertion. He sends that, with certain records, to Government ; but he does not recommend.

Mr. LEWIS.—I may be mistaken ; perhaps I may be using too strong a term when I say there was a “ recommendation.”

Mr. HOGG.—It is very important.

Mr. LEWIS.—Well, I think this will be admitted, that Mr. Warden’s views and sentiments upon the question are quite obvious, and decided. From the steps taken by Mr. Warden, and the letter written by him, it is evident that his belief was, that the parties accused should be called to account. He instances the case of a person of the name of Dadjee Appajee Seweya, who, in consequence of making similar charges, was called on by the Government to prove his allegations. Now, mark what was the course pursued by the Bombay Government. They sent that petition, and they very properly did so, to Colonel Ovans and Ballajee Punt Nathoo to reply to it. What was the answer ? That the statements therein contained were false, and the man was a malicious libeller ; and on this bare statement of the accused parties, they dismissed the charges. Now, Sir, turn to the other side of the picture. Who, let me ask, was the writer of the petition inculcating the Raja of Sattara ? Was it not this same witness, Krushnajee ; this same “ vagabond,” who is now not to be credited ? Was he not the author of that very petition ? The charges in that petition were vague and indefinite ; he was not under any obligation to prove a statement contained in that petition. What was the course the Government pursued then ? The Raja of Sattara, recollect, was then sought to be criminated. Was not the character of the Raja of Sattara as high, as great, and as excellent as that of Colonel Ovans, or that of Ballajee Punt Nathoo ? (Cheers.) Had there not been 19 years of faithful attachment to the British Government, and an administration of affairs which called for, and received, the loudest admiration ? (Cheers.) Did not the Raja stand on the very highest pinnacle in respect of his reputation ? (Cheers.) Recollect, it was on the ground of high character, as the Deputy-Chairman has urged, that this petition against Ovans and Nathoo was dismissed. (Hear, hear.) Did they send the petition of Girja-

baee to the Raja of Sattara? (Cheers.) Did they ask the Raja for his reply? (Hear, hear.) No; they assumed the truth on the false and perjured testimony they had obtained, and finally dethroned him, never having once permitted him to see either the petition or any other fragment of evidence given against him. (Loud cheers.) Now, Sir, I ask, how do you reconcile conduct of this description? Why is it that when charges are made, by identically the same witness, against Ballajee Punt Nathoo and Colonel Ovans that you say, "so high is the character of these persons, and so great their services, that you will not examine them;" and on the other hand, when a charge against the Raja of Sattara emanates from the same identical person, you assume almost every fact in it to be true, and punish the Raja without a hearing? How do you reconcile this? Why, Sir, it is conduct, showing on the one hand, the most disgusting favouritism and partiality, and on the other, a relentless, revengeful spirit of persecution almost without a parallel. Sir, in both instances you outrage the principles of justice, by your favouritism on the one hand, and your persecution on the other. (Hear, hear.) We have heard a great deal about "decisions." Whenever this question is discussed, we are told, as a matter of course, "Why, you will not take the opinion of anybody. The local authorities have decided; the Supreme Government have decided; we have decided, and the Board of Control have decided." Sir, I agree with the Deputy Chairman; the question has been decided, but that which has been decided is that which we are not contending for. What we are now contending for, and have been, and shall still, I hope and trust for ever while we live contend for, is, that a man shall not be condemned without being heard in his defence. (Loud cheers.) I admit that that point, also, has been decided elsewhere; but I contend that it has been decided according to justice, and in favour of the Raja of Sattara. Let me now call your attention to the evidence, showing how that point has been decided. It has been decided by the local authorities, by Sir Robert Grant, and by the Governor-General, that the Raja ought to be heard in his defence. (Hear, hear.) What says Sir Robert Grant in a minute in Council, dated the 15th of August, 1837? You will find it in the printed papers, page 86. He says, "I am further strongly of

opinion that before the case is conclusively disposed of, the Raja should be made acquainted with the fresh evidence that has been elicited against him, and should be allowed the opportunity of *offering some defence or explanation.*" In his Minute of the 31st of May, 1838, which you will find in page 305 of the printed papers, he says, (and it is quite impossible for the right of the Raja to be stated in stronger language than is used here by the Bombay Government,) it is, as Sir Robert Grant says, his natural and inalienable right to be heard in his own defence. It will be asked, says Sir Robert Grant, "whether he is to be condemned without the opportunity of defending himself. The Raja has not been told of the evidence taken by Lieutenant-Colonel Ovans." Here is an admission by the Bombay Government, "and undoubtedly he has a right to be heard in his vindication. I have never meant otherwise." (Cheers.) "In my minute of the 15th of August, 1837, I observed,"—he then quotes the paragraph I have just now read, and says:—

"I repeat that opinion, *not meaning that there should be merely the form or force of a trial, to be closed by a ready-made judgment, but that the defence should be fairly heard and impartially weighed.* So far as this Government should be called to decide on that defence, it would be my honest endeavour to discharge my mind of all my previous opinions on the subject, and to judge the case as if I heard it for the first time. But if it be thought that the Bombay Government is too strongly prepossessed with the guilt of the Raja, to be placed in the chair of judgment over his Highness, let the Government of India constitute, in any manner which they think fittest, an impartial and a competent judicature for the occasion."

You that are fond of authorities, say now, whether the question has not been decided for which we are contending, namely, that there should be a hearing. The next minute is that of the Governor-General, Lord Auckland, dated the 23rd of September, 1838, and which is to be found at page 229 of the printed papers. He says:—

"It is not necessary to establish it as a fixed rule that the British Government cannot depose any prince not taken *flagrante bello*, except through the medium of a formal trial. But in this instance, if the Raja should eventually demand to be confronted with the witnesses against him,



and to be placed on his trial ; or, even if he should not himself make that demand, but the written explanation or defence which I would propose in the first instance to require from him, should seem, as it very possibly may, to leave a necessity for some further proceeding, there may, perhaps, be no alternative to such a mode of final examination and disposal of the case ; however cumbrous, dilatory, and inconvenient it must be felt to be. Commissioners of high rank and character, from the other Presidencies, if necessary, might be assembled for the purpose. Detailed orders would, in such a case, if we are forced to the measure, be necessary on the precise mode of trial, and all the other circumstances attending the procedure, to which allusion is made in the letters from Bombay. But it would be premature to enter at all upon these points at present."

"As the first step,"—now mark you these expressions, I earnestly entreat you :—

"As the first step, I would, as suggested by Sir Robert Grant, request that *the Raja should be furnished with a written statement, embodying a full and clear detail of the facts connected with the several charges, and of the names (with any reservations which may be absolutely required for the safety of the party) of the witnesses by whom they are proved, with a notice of the circumstances under which the evidence was obtained.*"

How just ! how proper ! and how becoming of a Governor-General of India thus to decide ! Then he says :—

"Call for from him, within a certain reasonable time to be fixed, a similar written statement of whatever he may desire to urge in his own behalf. The acting Resident will of course take care by every means in his power, to see that his guarantees to witnesses are in letter and spirit fully maintained."

Now, sir, singularly enough, such a statement as is referred to has been prepared ; so that you would have no difficulty whatever, did you resolve to do that which is just. The statement to be furnished the Raja is now in your possession ; you would only have to hand it to him. A statement *was* prepared, but, at the suggestion of Col. Ovens, it was kept back ; not that the Government of Bombay, or the Governor-General of India ever changed their opinion

respecting the right of the Raja to be heard in his defence. There never was any intention of finally deciding the case without the Raja being heard. Now, sir, let me ask how *you* have decided this case? We have the decision of the Bombay Government, and that of the Governor-General of India. These decisions were sent to you. Why, sir, the Court of Directors, so far from thinking it even necessary that the Raja should be called upon to defend himself, stated, that they were so thoroughly disgusted with the proceedings in Bombay,—so completely ashamed of them,—so perfectly convinced that the accusations were all false and absurd, that they wished the affair to be quashed altogether. (Cheers.) That was, in effect, what you said in your despatches. Now, sir, recollect I am stating what is extremely important, as far as regards the hearing of the Raja of Sattara. I am appealing to your own recorded statements. I find in one of the Court's despatches, dated January 6th, 1838, the following words:—

“The Governor-General informs us, that he has witnessed with considerable pain the protracted and extended investigations into which the Government of Bombay has thought it necessary to enter, in connexion with the original charges against the Raja, and that he has ‘required that the proceedings be terminated and brought under the review of the Supreme Government, at the earliest possible period.’

“2. It is our particular desire to receive as soon as possible your review of these proceedings, and in the confidence that it will be transmitted without any avoidable delay, we shall suspend our own review of the case, till we are in possession of yours. At the same time we have no hesitation in giving it as *our decided opinion* that IT WOULD BE NOT ONLY A WASTE OF TIME, BUT SERIOUSLY DETRIMENTAL TO THE CHARACTER OF OUR GOVERNMENT TO CARRY ON ANY FURTHER INQUIRY IN THE MATTER.”

“Seriously detrimental to the character of our Government to carry on any further inquiry in the matter!” Why here, while you tacitly acknowledge the necessity of the Raja being heard, and the necessity of it in the event of any ulterior measures, you at the same time said, “We will not put him even to the trouble of vindicating himself; we will at once dismiss the whole proceedings, and place

him where he ought to be, in the confidence of the British Government." (Cheers.) I say, the Court of Directors having before them the papers, and the evidence connected with the Sattara case, and making a solemn declaration of this description, must have believed that the Raja was *free from the guilt imputed to him*. There is no other inference to be drawn from that despatch. Well, sir, Sir James Carnac went out from this country, knowing that this was your opinion. He went with instructions from you, to consign the past to oblivion, and to replace the Raja in the confidence of the British Government. Yet, Sir James Carnac, notwithstanding these express orders from you, deposed the Raja: deposed him illegally, and contrary to your own orders: and yet you have confirmed that act, acquiesced in it, and approved it. I think, when you come to reflect upon the matter, you must acknowledge that you did so, more on the ground of *expediency*, than from any other motive. I am quite sure that if I could probe the conscience of every person here, if I could take you to the confessional, and extort from you real opinions, you would say, "We believed him to be innocent; he never ought to have been deposed; but, having been deposed, we were in a dilemma, thought it best to sanction the act, and we must now resolutely refuse to restore him." (Loud cheers.)

Mr. POYNDER.—That is the honest truth. (Cheers.)

Mr. LEWIS.—Now, Sir, I ask you, if you have, for expediency's sake, deposed the Raja of Sattara, is that a reason why we, for the sake of justice, should not demand that he be heard in his defence? Does your fatal error obliterate the decisions which all the authorities in India have given, that he ought to be heard? You have committed an act of wanton cruelty. You have, without hearing him, inflicted upon him the severest penalty that can be inflicted—you have deprived him of all but life, and that life is one of infamy. You have not heard his defence; you say you will not hear it; but are your unrighteous judgments to be the rule of our conduct? God forbid! Before it is too late, beware! You are but perpetrating injury upon injury; wrong upon wrong; you are determining to persist in a false course, and it may conduct you to your ruin. The right to be heard is an inalienable right; a right to which the Raja is entitled by the laws of nature, of society, and of God; and your

decisions can no more destroy that right than they can disturb the pillars of the universe. (Cheers.) The Raja's right to be heard is an eternal right—a right, be it recollected, cherished if in any country on the face of the earth more dearly and sacredly than in another in this. (Cheers.) It is a right which is inwoven in our own constitution—we are taught it from our very infancy—it grows with our growth and strengthens with our strength—it is the pride of our manhood—the glory of our laws—the palladium of our liberties; and, where we find it insulted, or in any way outraged, we are its champions, its supporters, and its martyrs. (Loud cheers.) I thank an honourable friend near me for referring me to a paragraph of great importance in the letter of the Raja himself to Sir Henry Hardinge; which letter, though not in the papers, I may still, I trust, be permitted to refer to.

Mr. SULLIVAN.—There is an excuse given, why it is not in the papers. It was ordered by Parliament, but it has not been received from India.

Mr. LEWIS.—Hear what the Raja says:—"Of the nature of the other charges brought against me, I was permitted to know nothing, until in August, 1839, I was summoned to attend the late Governor, Sir James R. Carnac, then at my capital; when I was called on to acknowledge my guilt, not only of the crime laid to my charge before the Commission, but of two others, upon evidence which I had neither seen nor heard; I was then assured that, if I admitted my guilt I should be confirmed in the possession of my principality; but, that if I refused to criminate myself, I should be forthwith deposed. Spurning the condition upon which, alone, I was permitted to retain my sovereignty, and resolved to preserve my honour and integrity, even at the expense of everything besides, I was, on the 5th of September, 1839, removed from my palace, and, from that day to this, have been suffering the punishment of crimes of which I am entirely innocent, without the opportunity having been ever afforded me of being heard in my own defence," (see p. 21, letter to Sir H. Hardinge.) Sir, when it is stated in reply, here or elsewhere, that the question has been decided, let it also be fairly stated, that that for which the advocates of the Raja have been all along contending, namely, a hearing, has been decided as just

and right by all the authorities in India, and even by yourselves. You who have gone even further than the local authorities in exultating the Raja. Let that fact be recollected, and candidly brought forward. Sir, independent of this paragraph, there is a passage in the letter of the Raja of Sattara, with which I think I cannot do better than conclude the observations I have made to the Court. It bears upon the point that I have been pressing upon your attention; namely, the necessity, in justice, of his being heard in his defence. The sum of his prayer is here strongly, feelingly, and emphatically expressed. The Raja says:—

“I might be content to trust my future fate in the hands of any impartial individual, competent to examine and weigh the contents of the official documents which have been laid before the House of Commons; but, conscious of my innocence, and strong in the conviction of my ability to expose the utter falsehood of every charge, and to purge my character from every imputation which has been cast upon it, I ask—this is the sum-total of my prayer—I ask to be heard. I solemnly and emphatically, before you and the world, plead NOT GUILTY to the charges which have been brought against me; I solemnly and emphatically declare, that I have suffered, and do still suffer, as an innocent man.

“I ask not, however, that my declaration should be received as proof of my innocence, but that I may be heard; that I may have a fair trial, before an enlightened, a qualified, an upright, and a disinterested tribunal. If, before, such a tribunal, I do not make my entire and absolute innocence apparent,—if I do not demonstrate, that I have been made the victim of the arts of wicked, perfidious, and perjured men, I will thenceforth for ever be silent, and bear without complaint the sentence passed upon me.

“Judge you, right honourable sir, if, in making this request, I am asking more than that which all law, human and Divine, grants to the meanest criminal! Suffer me to crave, that you will for a while place yourself in my situation, and therein judge of the reasonableness, or otherwise, of my request. Let me entreat you to cast your eyes over the mass of evidence registered against me, to no one atom of which I have been permitted to reply, and then say whether, if in my circumstances, you would not earnestly desire to purge yourself from such a load of infamy, ere you descended to your grave.

“I am a Hindoo prince, of illustrious ancestry; and, by birth, the acknowledged head of a renowned and once mighty nation; but I crave no

greater right than that which is granted to the meanest supplicant owing allegiance, or subject to the power of the British Crown—the right to be heard in my own defence.

“ I am instructed to believe that the vilest criminal in England, whose crime has been committed in the face of the sun, and before a thousand witnesses, is not condemned without a trial ; is not subjected to punishment, until he has had the fullest opportunity of defending himself from the charges brought against him. Shall I, then, ask in vain for that which the law, the constitution, and the religion of England, grants to the traitor and the assassin—THE RIGHT TO BE HEARD IN MY OWN DEFENCE.”

I will trespass upon the time of the Court no longer. But, ere I resume my seat, and we quit this place, suffer me to invoke you, in the name of all that is just and sacred—by every feeling of respect which you cherish for your own reputation—by every sentiment of attachment to the interests of India, and by your hopes of a righteous judgment for yourselves hereafter, to concede that which is now asked at your hands—a full, a complete, a rigid, and an impartial investigation. I have assisted to make your path easy, by a careful detail of the new and additional evidence contained in these papers. Let me then request you—suffer me even to entreat and beseech you, as you value the safety and peace of India, to grant an inquiry. Be not found inflexible in wrong doing. The question before you is one of solemn, I might even say, of vital importance, involving the infraction of every principle of the law, both of God and of man. I entreat you to yield, graciously, and at once, to our request. (The hon. Proprietor sat down amidst loud cheers.)

Mr. LEWIS again rose and said—Sir, allow me to ask one question. The Chairman has moved an amendment. I wish to be informed if that amendment will be first put from the chair ?

The CHAIRMAN.—The first question will be—That the original words stand part of the question.

Mr. LEWIS.—I wish, myself, to propose an amendment. The honourable mover has introduced a series of resolutions. My wish is to propose a short resolution, as an amendment on the Chairman's amendment, which I believe I can do. If the resolutions of the mover are lost, mine, I believe, can come on.

The CHAIRMAN.—Yes, when the original words are disposed of

by a negative, then it will be in your power to propose your resolution as an amendment.

Mr. LEWIS.—Then, if that be the case, I wish to ask for liberty to do so, and I shall confine my motion simply to these papers, and propose, That it appears to the Court, that the Raja of Sattara ought to have an opportunity of defending himself from the charges on which he has been dethroned.

Major-General BRIGGS.—Sir, I should not have risen to take a part in the proceedings of this day had I not believed that it was in my power to throw some light upon a portion of the printed papers that have been brought before us. In this belief I think I shall be able to explain to the satisfaction of honourable Proprietors the mystery connected with the seals employed in the Goa conspiracy. Mr. Hume, in his letter of the 25th of June, 1844, addressed to the late Chairman of the Court of Directors, states, “With reference to my letter of the 18th of May, I take the liberty of inclosing an extract of a letter received by the last mail from the ex-Raja of Sattara, dated Benares, the 19th. You will perceive, that the document sent refers to the most important part of the *ex parte* evidence in support of the Goa charge, as now for the first time fully disclosed to his Highness in the papers printed by order of Parliament.” The nature of that evidence reached his Highness the Raja of Sattara for the first time through the medium of the English press, and from the papers which were ordered to be printed by the Imperial Parliament. “His Highness declares, that the seals attached to certain documents redeemed out of pawn by the Government of Bombay, and asserted to be his genuine seals, are forgeries. In the first place he states that their inscriptions, as will be seen from the copy he has sent, do not correspond with the inscriptions on the genuine seals. In the second place, that the seal said to contain the name of the present Raja of Sattara, does not contain any part of the name of the Raja, but purports to be the name of some one filling the situation of peishwa. In the third place, the Raja proves by authentic public records, that no such person as Sadasew Bajee Row ever filled the office of peishwa, and that such a person, in such an office, was wholly imaginary.” Now, Sir, in deciding upon the guilt of the deposed Raja, considerable

weight has been attached to these instruments. There are two sets of these seals, one of which was delivered to Mr. Dunlop, and was described as having been discovered among the papers of NURSING BHARTY, the late SWAMEE of *Sunkeshwur*, and as having been found among them after his death. The other set was taken from amongst the papers which were purchased by Col. Ovens for forty pounds sterling, and delivered to him by the head of a gang of robbers apprehended in the Concan. These two sets of seals are in themselves perfectly distinct. But it is of great importance, in reference to them, to look at their character. The one set of seals—that in the possession of the late Swamee of Sunkeshwur, are stated by Mr. Dunlop to be the seals of the present Raja of Sattara. Now the seal which Mr. Dunlop forwarded, has upon it these words:—

“ SADASEW BAJEE ROW, THE PRIME MINISTER OF RAJA SHAHOO,  
KING OF MEN.”

This seal is very much like that which has been used by the Peishwas. The inscription is a Sanserit couplet, consisting of the following words:—

“ RAJA SHAHOO NERPUTTY HERSH NIDAN ;  
“ SADASEW BAJEE ROW MOOKEE PRADHAN.”

These are the words (excepting the name) which have been ordinarily used by the Peishwas during a very long period. In the case of the late Bajee Row, instead of the words “ Sadasew Bajee Row,” the words were “ Bajee Row Ragonatt,” which gives the rhyme equally well. Now, the seal before us is one purporting to be the seal of “ Sadasew Bajee Row (or the son of Bajee Row) the Prime Minister of Raja Shahoo,” and is said to be *the seal of the present Raja* ; but the present Raja’s name is Pertaub Shean. There is not, therefore, upon the seal, forwarded by Mr. Dunlop to Government, as *the seal of the dethroned Raja*, a single word that is applicable to him ; or would ever be put upon a seal used by him or for him. But further. My historical knowledge enables me to bear testimony to the fact, that there never was such an individual as Sadasew Bajee Row in the family of the Peishwas,



and that from the time of the first Peishwa, Ballajee Vishwanatt, there is not to be found an individual of the name of Sadasew Bajee Row at all. The only person of that name was a son of Chinnajee, the cousin of the first Bajee Row, and he was slain at the battle of Paniput, in 1760. There never was a person of that name in the family. Well, sir, these papers and seals were found,—where? They were found in the Mutt, or hermitage, as it may be called, of the late Swamee of Sunkeshwur. Now, I have asserted, and I think proved, that these seals are not the seals of any person living, or who ever did live; and they must consequently be forged seals. Where, I ask again, were they found! In the Mutt of the late Swamee of Sunkeshwur. This Swamee, therefore, may be fairly assumed to be the person who forged these seals. I lay great emphasis upon this, because I regard it as an extremely important part of this inquiry, as relating to the alleged Goa conspiracy. We find, then, this Swamee having forged seals in his possession, we also know perfectly well, that the Swamee of Sunkeshwur was the chief and acknowledged representative of the Brahminical power of the Deccan. When this person first came to Sattara, after the Raja Pertaub Shean was recognized, in 1818, he required that his Highness should go out from his capital to the distance of a mile to pay him homage. This the Raja refused to do. He stood upon his rights as a sovereign, and said, that whatever respect he might entertain towards the Swamee, as the head of the religious portion of the Hindoos in that part of the country, that he, being a sovereign, would pay him no homage. He acted according to his words, so that the Swamee was obliged to come and pay his respects to the Raja, as other persons were in the practice of doing. At a subsequent period, the same Swamee issued letters and sent them throughout the Sattara territory, calling on all the Raja's subjects to contribute a certain sum to the support of his Holiness, that is, the Swamee. Captain Grant Duff was then conducting the administration of affairs at Sattara, and very properly put a stop to this proceeding. He said the Raja would not interfere with any voluntary contribution that the people might be disposed to make, but that he would not recognize an order thus made, by a person having no legitimate authority, to levy a contribution from his subjects. In

consequence of this opposition offered to the Swamee, there was, as might naturally be expected, no very cordial feeling between his Holiness and the Raja.

Now with respect to these Goa documents, I find they occupy 177 folio pages in the Parliamentary papers. They contain, it must be confessed, a great heap of very perplexing and contradictory evidence. Indeed, they are most unsatisfactory from beginning to end. Although they do in some measure inculcate the Raja, if they are true, yet there is so much of hearsay evidence, and of testimony of the most trumpety nature, that, as my friend General Robertson said, no one would venture to hang a dog upon the strength of it. In these papers, however, the Swamee is stated to be the first person who employed the Brahmin Nagoo Dew Rao, of Waee, to go down into the Concan. But this same Nagoo Dew Rao, is also the head of the party who are said to have been employed as the agents between the Raja of Sattara and the Governor of Goa. This Brahmin had for his secretary his own cousin Nana Wyde, and the Swamee is avowedly the instigator, in the first instance, of the Goa proceedings, and is recognized as such by Sir R. Grant. Unfortunately for the Raja, too, these three persons, the Swamee, Nagoo Dew Rao, and Nana Wyde, happen to be dead, and have never been called upon to answer any questions which might have been put to them, or to afford any information calculated to clear up this mystery. The documents which were purchased by the Resident of Sattara, consisted of thirty-eight pieces, and were sold, as I have said, by a captain of banditti for 40*l.*, though they had been pawned for 50*l.*; but there is this very extraordinary circumstance connected with these papers, which I am sure must strike everybody as strange, namely, that they consist mainly of letters alleged to be written by two parties, to each other. They purport to be the original letters, bearing the seal of the Raja of Sattara on the one hand, and the seal and signature of the Governor of Goa on the other. They are termed original documents, which, instead of being in the hands of the parties who ought to have received and retained them, are found in a pawnbroker's shop in the Concan, left there by a gang of robbers, and 50*l.* raised on them, but which were given up for the sum of 40*l.* Now I repeat it again: this is

a very extraordinary fact. How comes it that these letters, instead of being in the possession of the Raja of Sattara in the one case, and of the Governor of Goa in the other, happen to be found together in the same place, and in such very disreputable hands? The letters from the Governor of Goa, too, I beg to observe, are not addressed to the ex-Raja, Pretaub Shean. Consistently with this, also, the seal is not in the name of the ex-Raja, but in that of one Seevajee Raja. The seal of Seevajee is in the Record Office at Sattara, and it might have been compared, if deemed requisite, with the seal which has now been put forward, and produced by Colonel Ovans, purporting to be that employed by the ex-Raja Pretaub Shean in this conspiracy. Without inquiring into the inscription on the seal, which does not correspond with the original, the shape is even dissimilar, the seal now produced being *round*, while that of the ex-Raja, as well as that of Savajee, are both *octagonal*. Suffice it to say that, as they are not of the correct *shape*, they cannot be fac-similes of the original seals. It must be admitted, therefore, from these circumstances, that these seals must have been fabricated, and we are not left in doubt as to the fact, for Balkoba Kelkur, the captain of the gang, says with regard to them, that the late Nago Dew Rao, the head conspirator, told him they *were manufactured at the town of Pedney*, in the Southern Concan. Now, Sir, what an important fact is this! Here are these seals, brought forward as condemnatory of the Raja, and as being his seals, acknowledged by one of the parties themselves, and one of the principal witnesses against him, as having been manufactured by Nago Dew Rao, at a town called Pedney! But, Sir, I have said that Nago Dew Rao was originally employed, for his own purposes, by the Swamee of Sunkershwur, in the Concan, *before* he was introduced to the ex-Raja. The parties who have given evidence in this plot, and formed part of the gang, are the relatives of Nagoo Dew Rao. Among them are Ballajee Patuk, his *uncle*; Hurry Bulal, his *first cousin*; Nana Patuk (his secretary) his *second cousin*, since dead; Balkoba Kelkur (captain of the banditti) his *wife's brother*; another his sister's husband; and one of them, another sister's husband; another also is his nephew, and so forth. Now it is a very curious fact that these are the parties who have given evidence, and who are at present living. There is also Tejeram, the banker of Sattara, a person whose books

are very much relied upon. He, as I can prove, is the banker of the whole party, and of the Swamee of Sunkeshwur; and Balkoba Kelkur, the captain of the gang, states, that this Tejeram told him that the proceedings at Goa were the business of the Swamee. Now I have shown that Nago Dew Rao (deceased), the original agent of the Swamee, was the forger of *one set of seals*. We know that he was the person who was sent by the Swamee down to the Deccan, and, as Sir Robert Grant states, the Raja became the dupe of that intrigue, and connected himself with it afterwards. We have proved that this Swamee, the originator of the intrigue, had also *other* forged seals in his possession. Now it is impossible to divest the mind of the idea that Nago Dew Rao, the manufacturer of one set of false seals, was identified with the person in whose records were found the other set of forged seals. The sequence seems to me to be as palpable as possible that the Swamee, the enemy of the Raja, was, as stated by Tejeram, the banker, the prime mover in this business. At his death, certain other documents also were found, furnishing a clue to his general character and the nature of his transactions. First of all is an agreement made by Nago Dew Rao, in the name of the ex-Raja of Sattara, and by Raojee Kotnes on the part of the Governor of Goa. For what? To obtain 30,000 European troops, through the Portuguese Governor of Goa, of which number 15,000 were to be Frenchmen, and the Raja of Sattara was to pay for them, as a subsidy, *three millions of money*. Now it is a remarkable fact, that although this instrument is one of those said to be found amongst the papers discovered in the pawnbroker's shop, yet *a copy of it is also found in the possession of the Swamee*, and is sworn to by the person who copied it for the Swamee. There were other papers found among the records of this Swamee; for instance, there is an agreement of five articles of a treaty or compact made with the Guikowar of Baroda, the original draft of which is stated by the servant of the Swamee to have been sent to Baroda in cypher, having been concocted, at Sunkeshwur, by the Swamee, to form a treaty, which treaty was also found. Amongst these papers, also, are letters from the ex-Peishwa Bajee Row, besides others from Hyderabad and Sorapoor. But there is one very remarkable paper which I shall beg to dwell upon, for it is one of very great importance. The paper purports to be *a grant* (from Modoojee Bhosla, the

ex-Raja of Nagpore) of a jagheer of four lacs of rupees to the Swamee, whenever he, Modoojee Bhosla, shall recover the territory of Nagpore through the Swamee's agency. Now it is charged against the ex-Raja of Sattara, that he sent, through a common runner, a message to the said ex-Raja of Nagpore, asking him to advance on loan 25 lacs of rupees, to enable him to send the 30,000 European troops to conquer the territory of Nagpore for him, and we at the same time find the grant of an estate to the Swamee of Sunkeshwur, when the recovery of those very territories takes place. Why, what an extraordinary coincidence, that the Raja of Sattara, without communicating even with the Swamee, should demand twenty-five lacs of rupees in order to fulfil the very object with 30,000 Portuguese troops, after the completion of which his Holiness the Swamee was to obtain his estate! But who is this ex-Raja of Nagpore, that is to send this money? This Modoojee Bhosla, entitled Appa Sahib, is a poor exile, who made his escape from a British escort in 1818, and having wandered all over the North of India, last settled in Joodpore, the Raja of which state is called on to take care of him, and though not required to deliver him up to the British Government, to guarantee that he shall do no mischief. This poor creature is at Joodpore, and receives from the Raja, as I understood when I was in India, ten rupees a-day for his subsistence. This is the man, then, who is called upon by the ex-Raja of Sattara, to lend him twenty-five lacs of rupees (250,000*l.*) as part of the contribution, which he is to pay to the Governor of Goa, to furnish troops for the purpose of recovering Nagpore in the interior of the country!!! Is it possible, Sir, to believe this story? or is it fit that any weight should attach to papers of this description? It is quite clear that here is a fabrication for some dark purpose or other, and that the Swamee and others, the Raja's enemies, are at the bottom of it. I have gone through the whole of the printed documents in this case with great care, and really I must say, with my knowledge of the Indian character, in connection with this evidence, that I never saw a greater mass of trash and trumpery in my life. Moreover, it appears that this Swamee authorized the collection of a gang, destined to attack Rutnagerree in the year 1836; that they came to Sunkeshwur, and remained there some time; that the men were paid 500 rupees in cash by the Swamee, and the value of

500 more was given in cloths. These were given, I say, at Sunkeshwur by Nursing Bharty, the late Swamee. Another plot was also formed to attack the treasury of Vingorla, which was defeated only by the vigilance of the acting magistrate, Mr. Spooner, and the parties, who were apprehended as concerned in that plot, were the very individuals who have produced the Goa papers and the forged seals.

Mr. GEORGE THOMPSON.—Those men, too, were paid by the Swamee.

Major-General BRIGGS.—Be that as it may, the former party is proved to have been paid by the Swamee. I have not yet myself seen it stated, by whom the latter party, which was to have attacked the Vingorla treasury, were to have been paid; but, they are persons of Nagoo Dew Rao's party, and some of them his relations. Now, sir, it is a fact placed on the Bombay records, that there was an old feud existing between the Deccan Brahmins and the Prubhoos, who were of different castes. Ballajee Punt Nathoo was a Brahmin of the former caste, and the Raja's minister was of the latter caste. Never-ceasing complaints and appeals had been made to the Raja, calling upon him to put down these feuds. In the time of Sir John Malcolm, no fewer than 6000 Brahmins of Wae came out to petition him on this subject, and they threatened, if not attended to, to subvert the Raja's Government by arms. Now mark, sir. The whole of these confederates, with Nago Deo Rao at their head, are his relations, and the gang robbers themselves are all from this very town of Wae. The 6000 persons of whom I spoke, persecuted Sir John Malcolm, and demanded that he should require, that the Prubhoos should not exercise certain privileges which they were stated to have formerly done. The Governor refused to interfere, and sent notice of his resolution to the Resident of Sattara. I am sorry that General Robertson, who was then the Resident, is absent, because he would have confirmed the statement I am now making about these Brahmins. Sir John Malcolm recommended the Raja not to interfere, but to allow matters to take their course. I could bring forward papers, though not printed ones, yet indubitably authentic, to prove this.

[At this point, Mr. Wigram, one of the directors, left his chair, and whispered something into the ear of the Chairman: General Briggs paused.]

The CHAIRMAN.—I wish to ask the honourable and gallant Proprietor if he is aware that all he is now saying has nothing to do with the papers under discussion.

General BRIGGS.—I should be the first to sit down if I deemed myself out of order; but, sir, I really did think that what I was saying had a direct bearing upon one of the most intricate, but most important branches of the subject brought under our consideration by these papers. That branch of the subject is, the seals said to have been used by the authority of the ex-Raja in the course of a treasonable correspondence, and those seals I find specially referred to in these papers. (Hear, hear.) I have collected evidence to prove those seals FALSE. I am trying to show you *who* manufactured those seals; *where* they were manufactured; for what *purpose* they were manufactured; and by what *motives* the parties in this plot were influenced. I was just going to demonstrate that the Raja was not, and could not have been, a party connected with the fabrication of those seals. I was going to prove the strong religious hatred towards the Raja cherished by the very parties said to have been his co-partners in all his alleged intrigues to overthrow our Government. That, in fact, from beginning to end, the Raja has been the victim of a Brahminical conspiracy. (Hear, hear.) But I must, of course, bow to the chair, if I am told that all this has nothing whatever to do with the question.

Mr. GEORGE THOMPSON.—I rise to order. The remarks of the Proprietor who has been interrupted bear most directly upon a very important branch of the subject before us. The Raja was convicted, in part, upon the evidence of the seals referred to. If they were his, and if he used them for treasonable purposes, he is guilty. But if they were not his, if they are forgeries, and if they were the inventions of his enemies, and if this can be proved, then the Raja is so far shown to be innocent, and a case for inquiry is made out. Now, sir, evidence touching these seals was sent to this house by a member of Parliament and a Proprietor. That evidence was sent to India to be investigated. These papers, which contain the answers of Colonel Ovens and the Bombay Government, prove that they were not investigated. These papers contain a distinct acknowledgment on the part of the Bombay Government, that the

discrepancies pointed out by Mr. Hume were not explained, or so much as referred to by Colonel Ovans. Before us is a gentleman who has taken great pains to unravel the mystery. He is, I will venture to say, the only man now in this Court competent to undertake this task. He has achieved his object. He is giving us the result of his examination into the subject, and I therefore solemnly protest against the interruption he has met with as an attempt to defeat the ends of justice by intercepting most vital evidence, in its progress from the lips of a witness to the ears of a judicial assembly.

Mr. MARRIOTT.—(Referring to Mr. Thompson, who sat within the bar.) Is that a Director sitting there? (Laughter, and cries of order.)

Mr. THOMPSON.—No. Only a lover of justice and fair play.

Mr. HOGG.—The Chairman decides, that the observations of General Briggs are not pertinent, and do not bear upon the question.

Mr. THOMPSON.—I saw the Chairman prompted to his act by Mr. Wigram. I request that Mr. Wigram will no more prompt the chair—either on this or any future occasion. We are not to have the proof of the Raja's innocence burked by a whisper.

Mr. HOGG.—(Much excited.) What does the honourable proprietor mean?

Mr. THOMPSON.—This, sir; that it was Mr. Wigram's whisper that brought the Chairman upon his legs. Let the Chairman deny it if he can.

Mr. WIGRAM.—I will not be put down by that honourable proprietor—who seems to disregard all the usages of this room, and who has no legal right to sit where he does.

Mr. THOMPSON.—Indeed! Prove it.

Mr. WIGRAM.—No, sir. Why, one honourable Director, seeing some books upon the table took them up, thinking they belonged to the Court, and they turned out to be Mr. Thompson's.

Mr. THOMPSON.—And he was quite welcome to the use of them.

Mr. WIGRAM. Now, in the same way, Mr. Thompson may, by mistake, take up some papers that belong to the Directors, and there will be no end to the confusion. I throw it out for the consideration of the Proprietors, whether they will allow an individual to break through the customs of the Court, by sitting behind this bar.



All I can say is, that, as man and as boy, I recollect the practice of this Court for nearly fifty years; and I never before knew a person attempt to sit where the honourable Proprietor does, but by the courtesy of the Chairman. I tell the honourable gentleman that he is doing the greatest possible injury, not only to the cause he is now advocating, but to the general interests of India, by the conduct he is pursuing.

Mr. THOMPSON.—What! by putting my books and papers on this table? Alas! for poor India.

Mr. WIGRAM.—In my humble opinion, if these things go on, (and I have a great regard for the general interests of India,) the door of this Court will, sooner or later, be completely closed against the discussion of political questions, (no, no,) and if they do go on, the sooner the better, I say.

Mr. Sergeant GASELEE.—I think, Mr. Chairman, you have given the honourable Director sufficient latitude, and I hope, therefore, the discussion will proceed.

Mr. MARRIOTT.—I beg to move, “that those who are not Directors do take their proper seats.”

Mr. THOMPSON.—(To Mr. Marriott.) Really, sir, your motions are always most truly edifying.

The CHAIRMAN.—General Briggs will proceed.

Mr. THOMPSON.—But, if you please, I will reply to the remarks of Mr. Wigram, which are personal. As you did not call Mr. Wigram to order, you must, in justice, hear me. I am sure General Briggs will allow me a minute for that purpose.

The CHAIRMAN, (to Mr. Thompson).—You are out of order. I call upon the proprietors to express their opinions. (Great confusion, and loud cries among the Directors of, “Sit down.”)

Mr. THOMPSON.—Is it thus you will sacrifice the right of a man to reply to a personal attack?

Sergeant GASELEE and General BRIGGS interposed, and requested Mr. Thompson to waive his right.

Mr. THOMPSON.—I yield, not to clamour, but to the wishes of my friends. “I bide my time.”

General BRIGGS.—Now, Sir, as connected with these papers, the consideration of the seals is really a most important question. I again

allude to them for the purpose of showing the character of these Goa papers. If I am told that I am out of order in referring to those documents, I must desist. (Loud cries of "Go on, go on.") Certain portions of these Goa papers are stated to be originals in the handwriting of two parties. On the one hand of Don Manoel, the Governor of Goa, and on the other of the Raja of Sattara. On examining them, however, we find, from the evidence before Parliament, by an analysis made in Mahratta by my honourable friend before me, Rungoo Bapogee, and which analysis is translated into English, that the parties by whom they were sold were questioned as to them before Col. Ovans. These parties consist of Dajeba Waed, Balkoba Kelkur, Moropunt Josee, Narain Chitney, Hurry Punt Futuck, Raojee Kotnes, besides the banker Tejeceram and his son. The documents are thirty-eight in number. The first of them appears to be from Don Manoel to one Sivajee Raja, supposed to represent the present ex-Raja Pertaub Shean. It is dated 22nd July, 1833, and Dajeeba Wyde, Balkoba Kelkur, Moropunt Josee, and Raojee Kotnes, state, that this paper, purporting to be from Don Manoel, was written by one Suckharam Khainut, and that a copy of the same was made by Moropunt Josee, who himself confesses that he did so. There are five letters of the 22nd February, 1831, the 21st of December, 1830, the 18th of June, 1833, and the 14th December, 1829, with another of the latter date, said to be addressed by the ex-Raja to Don Manoel, and the false seal is affixed to each. These letters are all in the handwriting of the late Nana Patuck. Moropunt Josee, and Hurry Bulal, the father of Nana Patuck, swear to the fact; Nana Patuck appearing to have been the secretary of the late Nago Deo Row, the original agent of the Swamee, but converted into the agent of the ex-Raja. These letters purport to be from Sivajee, Raja of Sattara, who died 160 years ago, and to have the seal of Sivajee affixed to them, but which seal is proved on oath to have been lately manufactured by the conspirators themselves, who also confess that the letters were written by their own party, and the same rule applies to all the other letters, not one of which is written by the person from whom it emanates. I need not go through the whole of them; I do not believe it is important to do so; but will hand over the

analysis to one of the reporters present :—and yet, Sir, this is the evidence brought forward by Col. Ovans, and on which the Bombay Government rely as proofs of the Raja's treason. Letters—concocted by a set of gang-robbers, and sold to the British Resident to criminate the unhappy individual who has fallen a victim to this base conspiracy. Now, Sir, I have had a good deal to do with the taking of evidence in India, in my judicial capacity there. I beg you to recollect, the whole of the examinations and the evidence are written in the Mahratta language. Who examined the evidence? Col. Ovans? If Col. Ovans did so, he only did so through the means of an interpreter: the whole of the oral examinations were evidently made by a native, because the questions put by the examiner are translated from the Mahratta language into such ungrammatical English, that it is absolutely painful to read it. It is impossible to go through those papers, I think, without getting the head-ache. They are not English at all. Most of those questions must have been put by a native, because when translated into English, the native idiom is preserved throughout. The questions were not put by Col. Ovans, for if they had been, they at all events would have been in correct English; while the answers might have borne the mark of the Mahratta idiom. I say the whole of these questions have been put by some native, I cannot say who, and translated badly into English by somebody else, to which translation Col. Ovans has affixed his name. I cannot think he translated them; it would be paying him a bad compliment to suppose so. Yet, I repeat it, this is the evidence upon which the Raja has been convicted. Why surely he has a right to see the documentary evidence in the original, and to be confronted with the parties who gave it orally. All these will have to be laid before him before he can fairly be convicted. He has had no opportunity of seeing any of these papers, and I say, before any one can come to a determination, whether the Government of Bombay, or even Col. Ovans himself, that it would be necessary that there should be a competent examination of these native documents, and the parties be exposed to a searching cross-examination. On the occasion of the measures taken, preparatory to the deposing of the Raja, Sir James Carnac gave as a reason why he should not permit the Raja to go into

the inquiry respecting these proceedings, that he, Sir James, did not come there to punish the Raja, but to confer favour on him. Such is the reason he assigns why he did not allow him to see the evidence against him. Did he confer favour on him? If he went there to pass an act of oblivion, it was competent for him to withhold the evidence, but if he came there to punish, he was bound, and even enjoined, (as has been said by my learned friend, Mr. Lewis,) by the late Government of Bombay, and by the Supreme Government in Bengal, to give him a fair trial. The Court of Directors here, however, were satisfied that no further inquiry should be prosecuted, that it would be discreditable to the character of our Government to do so, and that the whole ought to be buried in oblivion. Sir James Carnac, when he sat in the chair in the Court of Directors, had the same feeling. He did not go out to India to punish the Raja, but to pass the act of oblivion, and to keep the Raja upon his throne. Had he relied on his own judgment he would have done so, but there was an actor behind the scene, who, I have not the least doubt, has regulated all the proceedings in India in this case. This is clear from the beginning. Whenever the evidence was promised to the Raja, as it was by the Commissioners in the first instance, and subsequently directed by the Supreme Government to be laid before him, there has been a secret agent behind preventing his getting access to it, and it has been withheld systematically, because it was known to those who got it up, that it could not stand the test of scrutiny by the Raja. Sir James Carnac was prompted, I have no doubt, by the same parties, and told, that the Raja was not to be trusted unless he signed such and such a paper, they well knowing the Raja, and being fully aware that he would prefer the sacrifice of his kingdom to that of his honour. (Cheers.) The main actor in this scene knew that the Raja never would put his hand to the document which required him to confess himself a traitor to the British Government. It was this refusal on the part of the Raja which placed Sir James Carnac in the dilemma in which he became involved. He underrated the firmness of the prince he had to deal with. Sir James Carnac himself states that the Raja said, "Take my territory, put it in charge of your Resident, or anybody you like; but lay me the papers before me, and I will sit down in Sattara and answer

them. If I do not prove the evidence to be false, I will be content to remain without having any claim to the restoration of my country." The Raja not only said that, according to Sir James Carnac's own statement, but he has since used similar language in his letter to the Governor-General of India. What is it that the Raja has asked for, and what do we ask? Merely, that a man charged with heinous crimes, should have an opportunity of seeing the evidence brought against him, and of refuting it, if he can do so. Upon my word, sir, I do not know how so moderate a request can be refused. We are not asking you to say that the Raja is innocent, but he is surely entitled to be heard in reply to the evidence. Now, sir, much has been said, as to the effect which a revision of this case would have, upon the character of our Government in India. It is alleged that it would give encouragement to the disaffected, if you were to replace the Raja of Sattara on his throne. I hold in my hand a native newspaper, from which I have made a short extract. The paper has just arrived from Bombay. I do not attach much importance to remarks of newspapers in general, and particularly to native newspapers; but still this is worthy your attention. The article I allude to, relates to the case of the ex-Raja of Sattara; I have translated it into English, and here it is:—

*"Bombay, June 16, 1845.*

"Our opinion of the Sattara business is as follows,—First, Colonel Ovans, the Resident, infringed the treaty of Sattara, published a proclamation, and got up forged papers. Ballajee Punt Nathoo is an infamous intriguer. He has been the confidant of the Resident, and has received a Jagheer. His intrigues have led to the refusal to the Raja of the written statements against his Highness. The persons who have given evidence against him are intriguers, traitors, thieves, the relatives of Ballajee Punt Nathoo, and the enemies of the Raja, and conspirators. For this opinion we have ample authority. Colonel Ovans is the individual who has given support to this faction, and he has even gone so far as to bring forward new seals forged in the name of the Raja. We feel bound, therefore, to reprint in this our paper for general information here and everywhere, impressions of the true seals and the false seals. The latter being copied from the printed parliamentary documents, in page 818."

Now, sir, this statement with regard to these proceedings is pub-

lished and circulated throughout India. It is possible the author of it may be prosecuted for defamation.

Mr. Serjeant GASELEE.—No, no !

General BRIGGS.—I say he may be. Well, sir, I ask if papers of that description, — respectable native papers, — are distributed throughout the country with these proofs of forged seals being appended to the documents on which the Raja was found guilty, and those proofs taken from parliamentary documents circulated far and near, what do you imagine will be the result? What plea can you state for refusing the Raja a hearing. There cannot be a greater proof of the necessity of doing justice, however late, to that individual, than the fact of opinions of this kind being promulgated throughout your territories. Nearly the whole of this newspaper is taken up with quotations from the parliamentary papers. The matter is not confined to individual opinion, but it is supported on the strength of the evidence itself, as derived from the parliamentary papers. There it is in black and white, — the page even is quoted, — showing to the whole of the people of India that the seals appended to the criminating documents were false seals, and that these form part of the evidence upon which the ex-Raja was deposed. There cannot be assigned a stronger reason for allowing this injured Prince to be heard in his defence than the impression which has now gone abroad throughout India on this subject. Before sitting down, Sir, I feel bound to advert to two observations which fell from the honourable Deputy-Chairman yesterday. I believe he stated that had it not been for the paid agents of the Raja of Sattara in England, he might or would have been (I do not recollect the exact words) still upon his throne. I believe I am right in saying that the Deputy-Chairman made that statement.

Mr. HOGG.—I said that I believed that had it not been for the intervention of agents in England, the Raja might still have been upon his throne.

General BRIGGS.—Now, Sir, the expression, in my mind, is ambiguous. I am prepared to admit that, but for these paid agents, the Raja of Sattara might yet have been upon the throne, and for this reason, that I do not think these charges would ever have been brought against him, had he not ventured to appeal direct to the

Court of Directors. These charges originated after the Raja's determination to refer his case relating to the Jagheers to England, finding that he could not get redress in India; and immediately he came to this decision, and began to take measures for carrying it into effect, these charges were got up against him. If that is the meaning of the honourable Deputy, I perfectly concur with him; but, if he means to say, that he believes that the reliance of the Raja of Sattara on the influence of his agents in England was the reason why he refused to sign the condemnatory document presented to him by Sir James Carnac, I can only say that the honourable gentleman, as well as Sir James Carnac, knew very little of the character of the Raja of Sattara. Another observation, which I think fell from him was, that these constant references through agents to England from Native States, was a curse to our Indian Government. Now, Sir, with regard to that, we must recollect that the march of science and of public opinion is so rapid, and the proximity of India has been so much increased of late years, that we can no more prevent the natives of India bringing their complaints to the fountain head in this country, than we can prevent the progress of civilization there, unless a law be passed that should make it felony for a native to come to England at all. Not only, Sir, have we natives of India coming with their complaints to this country, but we have seen the son of Tippoo Sultan becoming a proprietor of the East India Company, and here we have before us the representative of the Raja of Sattara in the same position. Who would have expected in the year 1799, when Tippoo fell, that we should have had his son sitting here with the privilege of considering the affairs of India. Sir, we cannot help it; the honourable and learned gentleman may call it the curse of our Indian Government, but, Sir, we have, both here and there, a great mercantile community, and a free press. The people of this country demanded more frequent intercourse with India, and whether it be convenient to the governing body here, to have that intercourse continued, or not, it is beyond our means or theirs to prevent it. We are in this dilemma, if it be one, though for my own part I do not consider it so. I think it a manifest advantage. The honourable and learned gentleman spoke of the military and civil services, to one of which I

have the honour to belong, and of them I hope I shall ever speak with the high commendation they deserve. Yet, Sir, the character of those services and of all our officers in India is dependent on a narrow and scrupulous supervision. The persons who enter into them from this country are not different from other public officers in Europe. There is nothing peculiar either in the class of society from whence they are derived, or in the education they receive. They have no particular advantages. There are, however, in India, great rewards and very heavy punishments; there is very little chance, therefore, of an evasion of the law, and consequently very little opportunity of escape for those who misconduct themselves. Sir, they are narrowly watched; it is impossible that anything can go wrong without its being brought sooner or later to the notice of the authorities there. I say it is owing to this vigilance that we are enabled to pride ourselves on the superiority of the individuals who compose the services justly eulogised by the honourable Deputy-Chairman. (Here Mr. Hogg nodded assent.) But I conceive, Sir, that that vigilance may be extended with advantage to the proceedings of our government in India. I conceive that great good arises from a frequent and severe scrutiny of their proceedings. Sir, it is unfortunate that an individual going from this country as a governor of India, should depend too much on the influence he has here. In such a case he often ventures to do unprecedented acts, in the confidence of immunity in this house, or elsewhere. I say that it is a misfortune whenever such a circumstance occurs. I abstain from referring to particular cases, but they have too frequently happened. Therefore I do think, that a vigilant superintendence over the Government of India itself by this Court is extremely wholesome, and will tend to preserve that high character which it has almost always sustained, whenever inquiry has been made into it. I except this particular case of the Raja of Sattara, however, for I do think there has been a great deal of partial feeling in its decision. It is much to be lamented that Sir James Carnac did not adopt the suggestion originally made by the Prince himself. Had Sir James followed that course, a course which has been pursued upon many similar occasions, he would have relieved you from the embarrassment of confirming his measures, though under the protest of some



of the directors in a divided Court. Had he merely set the Raja aside, as in the cases of the Raja of Tanjore, the Nabob of Arcot, and the Raja of Mysore, the matter would have been very different. He had, I say, abundant precedents before him. The ex-Raja himself pointed out the course which would have enabled his Highness to exculpate himself, and would have left you free to decide on the merits of the case with impartiality. All we ask for, and all that he asks for now is, an opportunity of repelling the evidence brought against him;—grant him but this, and if you are satisfied that the charges are false, place him again on the throne of his ancestors. This you neither ought, nor in justice can refuse.

Mr. Serjeant GASELEE.—Sir, I am very unwilling to give a silent vote upon this question, though I am also very unwilling, at this late period of the day, to enter as fully as I should otherwise have willingly done, into the merits of this case. In justice to the proprietors who are around me, and to yourself, whose courtesy and urbanity in the Chair I beg to acknowledge, and also in mercy to myself, I propose to be short. Sir, I rejoice that these papers have been presented to the Court, and that I was one of the humble individuals who signed the requisition convening this meeting. I rejoice, in the first place, because I differ *toto caelo*, from the Deputy-Chairman, in the opinion that these frequent agitations do harm to a just cause, and because I believe that the friends of the Raja, however it may suit the Deputy-Chairman to sneer at them, know the true interests of the person whom they undertake to defend, as well, or better than he does. Differing as I do, therefore, from him upon these points, I think that the oftener the case of the Raja is brought forward in this Court the better it will be for him, knowing, that though justice may be denied for a time, yet, notwithstanding the denunciations of the honourable Deputy-Chairman, it will, because it must, be granted at last. For these reasons, amongst others, I am glad that the present investigation has taken place. But let me also state, that I rejoice beyond measure that this Court has been held, because it has enabled two honourable Directors to come forward and avow themselves in the most noble and creditable manner, friendly to the cause of the Raja. (Loud cheers.) They have independently asserted the right to state their genuine sentiments, and have, during

this debate, delivered manly, able, and truly honourable speeches. I refer with gratitude and pride to my friends, Major Oliphant and General Robertson. (Cheers.) I may be allowed to say, that they have this day done honour to themselves, and shed a redeeming lustre on the Direction. (Cheers.) They have shown, Sir, that though elevated to power, and though they have ceased to sit among us who are unofficial Proprietors, they have preserved untainted the principles they advocated on this side of the bar, and have, as we have seen, the manliness to avow, and the boldness to maintain, unfettered by the trammels of office, the just and righteous sentiments which they previously professed. (Loud cheers.) Sir, I wish the Deputy-Chairman had met in a fair and honourable spirit the speech of my friend Major Oliphant; I wish he had set himself to work to grapple honestly and boldly with the close reasoning and impressive facts of that speech. As he could not fail to see the importance of that speech, I must suppose that he did not answer it, for the very sufficient reason, that he could not. Certainly it was worth an answer if one could be found. I wish he had done this, instead of acting the part, ably I confess, of an advocate, rather than of a judge; and instead, as I think, though perhaps not intentionally, suppressing certain important circumstances, and colouring others, to mislead honourable proprietors, many of whom (I blame them not) always follow at the beck of the chair, leading them from the question, and diverting their attention from the real points of the case. Sir, what on earth had the Deputy's eulogium on Colonel Ovens, delivered in set Parliamentary language, to do with the present case? If the Deputy-Chairman will allow me to repeat his own observation, when he said the friends of the Raja are injuring his cause, I will tell him that the friends of Colonel Ovens are injuring him; and if I was that officer I should say, "God defend me from my friends." (Cheers.) If the Deputy-Chairman wishes to meet the case fairly and honestly, let him not indulge in vague generalities and clap-trap declamation about the character of this "honourable and much-injured individual," as he calls him, but, like a man, answer my honourable friend Major Oliphant, as to the damning and conclusive fact of keeping back for nearly a year, most important evidence from Government. We have challenged you, who are the friends of

Colonel Ovans, to come forward and meet this charge. Why do you not do it, if you are sincere when you profess to be concerned for his honour? I do not intend to go over this very serious affair again, but I will just draw your attention to a very few important facts. It was stated by an honourable Director yesterday, that Colonel Ovans had neglected his duty both to the Government and to the Raja. I agree in that opinion. Of Colonel Ovans I know nothing, and am bound to believe him to be an honest man; but I do not hesitate to express my firm and deliberate opinion, that he did neglect his duty to the Government, and that, above all, he did gross injustice to the unfortunate Raja. That he was made a dupe, I think I shall presently show by the admission of the Deputy-Chairman himself. It appears that on the 12th of August, 1837, Colonel Ovans wrote to the Bombay Government, saying:—

“In accordance also with the Instructions conveyed to me in the third paragraph of Mr. Chief Secretary Wathen’s letter to my address, under date the 13th ultimo, I have to report that *I have made every inquiry in my power regarding Geerjabaay’s petition, but without success; and I have now the honour to submit a separate deposition on the subject from Sukharām Bullul, confirming what was previously stated both by the Bhye and himself regarding this person; (the imaginary man called Mahdeo Fugery;)* THE TRUTH OF WHICH I SEE NO LONGER ANY REASON TO DOUBT.”

This passage shows the great anxiety of the Government, and the professed desire of Col. Ovans to get them the information they required; and, in passing, let me just recall your attention to the dreadful shift to which the Deputy-Chairman was reduced on this subject. You will recollect that after floundering about for some time, he was at last obliged to give up the petition. “It does not signify,” he at last found courage to say, “a farthing who the writer of it was.” Why then, in the name of common sense, were the Government so anxious to get information upon that point? Why, in every despatch which they sent to Col. Ovans, they said, “You must discover who is the author of the petition.” Why did they think the discovery so important then, if it strikes you as of no consequence now? The Deputy-Chairman tells us it was not at all important, because it was not evidence. Now sir, to show that it was important, let me refer to an extract from Col.

Ovans's letter of July 21st. "From all that I have been able to learn, as well as from these statements of the parties themselves, now forwarded, it appears that Govind Row was very anxious latterly to confess all he knew, but he was doubtful whether it would be safe to do so to any person then here. In this dilemma it was agreed, by his mother's consent, that his uncle, Sukharam Bullal, should draw up this petition, in her name, from Govind Row's own account of these intrigues, and a Brahmin, living in their own house, was employed to write it; this person being sent off immediately afterwards, to prevent discovery. This statement may, therefore, in point of fact, on the evidence both of his mother and of his uncle, as now given, be taken as Govind Row's own confession, and *it now becomes important to discover whether he may be disposed to confirm it.*" Yet, when he is driven into a corner, and finds he cannot support his position, the Deputy-Chairman throws his own witness overboard, and the petition with him, and says, "It is not at all important; it does not at all signify a farthing who is, or who is not, the author of the petition: no importance need be attached to it; it only indicates where you are to get the evidence." Not important! Why, has it not just been asserted by Colonel Ovans, "that it may be taken as Govind Row's own *confession*, and that it now becomes important to discover whether he may be disposed to confirm it?" So much for the plausible assertion of the Deputy-Chairman. The honourable gentleman has not practised in India to no purpose. (Hear, hear.) I was surprised, however, to hear so able an advocate quoting statements which, I am sure, a minute's reflection would have shown him could not be borne out. On the 7th of September this Krushnajeel, the real writer of the petition, came to Colonel Ovans, and told him all about it; and on the 20th of September he gave him documentary evidence, and made the whole history of it clear. What does Colonel Ovans then do? He allows the Bombay Government to act upon evidence *which he knew to be false*, which he *must* have known to be so, because the evidence of its falsity had been supplied to him. Now, meet us like men upon that broad and tangible fact, which I think you cannot get over. Do not talk to me of the character of Colonel Ovans. What have I to do with the question whether he is a respectable man or not, while I am in the midst of this solemn investigation? I do not want your fulsome praise

of the man; I want your answer to this fact. "AY" or "NO;" did he or did he not conceal this evidence? If he did, how on earth can he justify himself to his Government or the country? Surely, such a man as this Colonel Ovans is quite unfit to try even a dog. What can be said of a judge who, when there are circumstances in favour of the Raja, conceals the knowledge of them for eleven months? Gentlemen may think this is a slight charge, and they may continue to praise Colonel Ovans; but they would be better employed in trying to show that we are incorrect, and that this most serious allegation is unfounded. We who are on this side have no motive in coming to this House but a desire to promote truth and justice, and we shall be the first to acknowledge the innocence of Colonel Ovans, *if you will prove it*: but do not deal in vague generalities; do not think to screen this man, as all official delinquents are attempted to be screened, by high flown eulogiums on his general character.

Now, observe how the honourable Deputy-Chairman disposes of this petition. He cannot answer my friend Major Oliphant; and so he says, "Well, be it so, it has all turned out a forgery;" and he is obliged to give up his witness, and will not now call him one, but denounces him as a "perjured wretch," and having so called him, he then, with a refinement that is really quite amusing, turns round and says to my honourable friend, Mr. George Thompson, —why, you falsely accused me of calling him a scoundrel. (Laughter.) I never called him scoundrel, I only said he was a perjured wretch! This is certainly an edifying lecture upon parliamentary politeness. The Deputy would call Krushnagee a "*perjured wretch*," but, oh! fie, he would not pollute his unsullied lips by calling him "a scoundrel." Let us hope we shall all profit by the Deputy's definition of coarseness of language. We may call a man a perjured wretch, but it is coarse, and rude, and vituperative to say "scoundrel." (Laughter.) The same honourable gentleman stated that Col. Ovans was "duped;" and it occurred to me at the time, that he really was, and that I should be able to prove him one. There are three new points in the evidence before us, and how have they been answered? I was anxious that somebody should, if they could, answer my friend, Mr. Lewis. (Hear.) I wished to see whether our opponents could deal with the evidence in

the same manly and masterly way in which he had dealt with it. They have not attempted to do so, and therefore I do not intend to go over it at length.

It is well known that the Directors thought the papers obtained by Mr. Hume worthy of an answer, even in the House of Commons. The Deputy-Chairman upon that occasion abandoned his purpose, never to re-open the Raja's case again. Really when I reflect upon the nature of such a resolution I confess that I tremble for his reputation, and hope before he fills that chair we may see him change his mind.

The principal allegation contained in these printed documents appear to be as follows :—

1st. That Ballajee Punt Nathoo made the deposal of the ex-Raja of Sattara subservient to the aggrandizement of himself and his creatures.

2nd. That the ex-Raja was deposed by a system of subornation and perjury.

3rd. That Girjabae, the mother of Govind Rao, formerly dewan of the ex-Raja, has declared that she never addressed any petition to Government upon the subject of the imprisonment of her son, and that any letters presented in her name must have been a forgery, and that she never, as has been alleged, waited upon Lieut.-Col. Ovans at night; and that if the interview to which that officer has deposed, actually occurred, she must have been personated by some other individual.

The Bombay Government say, with respect to these allegations, that “ They could only be proved or disproved by reopening, *ab initio*, the whole case of the ex-Raja of Sattara, than which we would respectfully submit nothing could be more inexpedient, even if these assertions were not solely dependant on the veracity of a person who, by his own confession, has proved himself to be utterly unworthy of credit.” Thus, then, you demand information, and these functionaries tell you it is *inexpedient* to re-open the case. My honourable friend asks, and I think he is entitled to a distinct answer, say “ Ay” or “ No,” did Ballajee Punt Nathoo inveigle this man Krushnajee, or did he not? Why, you have the strongest evidence on this point. You have the man's own confession that

he was bribed to silence. The honourable proprietor, Mr. Weeding, says, that he only had Criminal Court allowance. He forgets the one hundred rupees.

Mr. WEEDING.—That was after the case was over.

Mr. Serjeant GASELEE.—In such dirty cases the money is generally paid afterwards. (Cheers.)

Mr. WEEDING.—Will you allow me to state what I said?

The CHAIRMAN.—You had better not *interfere*.

Mr. Serjeant GASELEE.—This honourable gentleman thinks he has made a notable discovery, in finding that the 100 rupees were paid after the transaction. His memory seems very good, and he may therefore possibly recollect something about fifty rupees having been paid at the beginning of the job. Let him try; if he cannot, I will help him to a few words of Colonel Ovans's on the point. But what does it matter? Where is the importance of the fact of whether the money was paid before or after? As it happens, there was money paid in both cases; and not too much, considering the way in which it was earned. I think Col. Ovans should not have forgotten the interest. Now, what on earth did he pay him this 150 rupees for? It is true, Col. Ovans and Ballajee do not acknowledge the claim upon them for the 1,250; but tell us, you who defend them, what the 150 were for? Tell us, also, why this Criminal Court allowance was paid? Take the admissions of these men, if you will take no more, and tell us what all these rations and gratuities mean? Where money is paid, money's worth is received. What, then, was it paid for? We will nail you to this point, for this man is your own witness until the Raja is dethroned. The Deputy-Chairman seemed to exult in the fact that Girjabae was dead and could not be called as a witness; but when rejoicing over this event, he was sublimely oblivious to the fact that to contradict the unauthenticated paper of Sukharam she left behind her two attested declarations. Oh! that Deputy-Chairman has a most lawyer-like memory. He will not surely say that she went out of the world with a lie in her mouth! What object had she in deposing falsely? It is all very well to say that this man Krushna-jee was actuated by malice. I need not tell the honourable Deputy, because I have the honour to belong to the same profession as him-

self, that a man being actuated by malice is no reason why his evidence should not be received. It may affect the weight of his own testimony, supposing he is proved to be so ; but how can his motive affect the evidence of the witnesses he calls ? Let him answer that. I will take the honourable gentleman again on his own words, for I like to try him by his own text. He says it is quite immaterial by whom the petition was written, because it merely gives you the names of parties who are to prove the statement. Then, I say, it is quite immaterial what sort of a character Krushnajee is, because he offers to prove every single statement he makes—not by his own evidence, but by the testimony of others. (Loud cheers.) Does the Deputy-Chairman suppose that he can mislead the Court of Proprietors by such tergiversations as these ? Take these unanswered charges of Krushnajee alone, and there is sufficient ground for inquiry. (Hear.) The Bombay Government have dismissed them in a manner most discreditable, and most unsatisfactory to myself and others. Pinning the Deputy-Chairman to his own maxim, we demand an inquiry. I now come to a question with which I have taken a little trouble, because the tone of the Deputy-Chairman was so exceedingly triumphant on that part of the case that it led me at once to turn my attention to it ; and I think I shall be able to show you that, as in everything else, he was totally wrong. I refer to his remarks upon the declaration of Govind Rao. “ Oh,” says the Deputy Chairman, “ it is stated to have been extorted in a dark dungeon. You will find it proved to be quite a volunteer statement.” I confess I was rather surprised at the hon. gentleman, who is a lawyer, venturing to call the confession of Govind Rao a volunteer statement. (Hear, hear.) He said the questions sent by the Government were sent after the confession. I confess that the impression made upon my mind by the honourable gentleman was, that he wished to represent that those questions were never used at all. I am quite sure that such was the general impression of the Court ; if so, that also very nearly amounts to the *suppressio veri*. I shall call the honourable gentleman’s attention to dates, because I think I shall be able to show from them that he is wrong. In passing, let me say, the honourable gentleman gave a very good character to Mr. Hutt ; now all that might be very



good clap-trap, but it had nothing to do with the case. Let me also say a word respecting Colonel Ovans. Instead of answering Krushnaje's statement, he calls him a malicious libeller, displays the feelings of a decided partizan, and then does that which, I think, when he comes to reflect, he must see was most unworthy of his high character—he suggests that Krushnaje should be given up to the Raja for punishment. When he comes to consider this part of his conduct, it must be with deep regret. It would have been much better for him to have taken a lesson out of Mr. Hutt's book. Now, sir, as to this statement of Girjabae: "This statement," says Colonel Ovans, "may, therefore, in point of fact, on the evidence both of his mother and his uncle, *as now given*, be taken as Govind Rao's own confession, and now it becomes important to discover whether he may be disposed to confirm it." You will see that all the subsequent proceedings are carried on with a view of getting Govind Rao to confirm this forged petition. Yet this is what the honourable gentleman calls a "volunteer confession." I confess I heard that statement with surprise and regret, coming as it did from one who is a member of my own profession, and who has ventured to declare that such a confession, under such circumstances, can be called a volunteer confession. You will observe that, in furtherance of this desire to get Govind Rao to confirm the supposed story, they proceed in the following manner:—"In order, however, to dispel the illusion as to Govind Rao's release, which threatens to throw such serious obstacles in the way of this important inquiry, I beg most respectfully to propose that the dewan be sent immediately, under guard, to Ahmednuggur, and placed in strict confinement there; that he only be attended by his own servant, and that all other intercourse with him be for the present prohibited. It is to be hoped that this measure, if adopted, may serve to show that the rumours of Govind Rao's return are without foundation; and this being felt, his mother and other friends may be induced to come forward and disclose all they know as the only means of assisting him. But whatever may be the result, the effect of this step should certainly be tried without loss of time;" reckless of the consequences, whatever they may be. Well, Govind Rao was sent to Ahmednuggur; and what are the instructions sent

with respect to his treatment? “The judge at Ahmednuggur has been further informed that it is not unlikely the friends of Govind Rao, at Sattara and Poonah, will endeavour to communicate with him by letter, and that he has been instructed quietly to adopt measures to *intercept* any communications of this kind, and forward them to Government.” Now this is what has been called getting a volunteer statement. A man is placed in strict confinement, his letters are intercepted, and is tampered with for sixteen days, and yet, in the face of this Court, we are told that he made a volunteer confession. On the 5th of July, 1837, he was sent from Poonah to Ahmednuggur. You will find he arrived there on the 13th of July, see p. 44 of these papers. Mr. Hutt was at this time absent on circuit. Now, what does Mr. Hutt say? In his recent letter he writes:—“It was, I think, about August, during my absence on circuit at Dholia for the sessions, that Govind Rao arrived at Ahmednuggur.” Now, here is accuracy. Surely he ought to have informed himself better. The man who took him into custody received him on the 13th of July, 1837. Mr. Webb was consequently in charge. “By his order Govind Rao was placed in the criminal gaol.” This volunteer!—“he occupied that portion of it allotted to Brahmins.” When was he removed to the house? Not till the 23rd of August. I will give you chapter and verse, and you may answer my facts if you can. Again I refer to the evidence of the same man, p. 44, in which he tells us, “On Mr. Hutt’s return from Dholia, he had an interview with the prisoner in the gaol, shortly after which he (the prisoner) was transferred, on the 23rd of August, 1837, to apartments in Durree Cusbun’s Warra.” He has been, for more than six weeks, in close confinement in the prison. How does that tally with Mr. Hutt’s statement? “He was accordingly received by my assistant, and, for a time, lodged in the most suitable quarters in the gaol.” “Suitable quarters!” very well. What! were criminal quarters “suitable quarters?” “On my arrival a few days after, he was, with the consent, if not by the express direction of Government, provided with a lodging in a Hindoo house.” Now, Mr. Hutt would have you believe that the man had only been a few days in gaol. I think it is negligence that caused him to make that statement; he ought to have been more careful,

for it turns out that he had positively been in the criminal gaol from the 13th of July to the 23rd of August. But the case goes further. I do not wish to be too severe upon the Deputy-Chairman, because he has not an opportunity of reply, but I hope some friend of his will do that kindness for him. Where was this confession made? I say, most assuredly, in the *gaol*, and not in the *house*. Then, what becomes of the "volunteer confession," so much boasted of by the Deputy-Chairman? When was the confession made? On the 24th. Now, see if I am right. I am referring now to a letter from Mr. Hutt, dated the 24th of August, which you will find in these Parliamentary papers, p. 618. I beg to call your attention to it, because it is a very important document. "I have the honour to acknowledge the receipt of your letter, dated the 28th ultimo, and to inform you that by desire of the acting Resident at Sattara, Sukharam Bullal, uncle to Govind Rao, now in my charge, has for many days had free access to his nephew." I would here, in passing, remark that the honourable Deputy-Chairman forgot that all this time his uncle, — who, not to use stronger language than the Deputy-Chairman has adopted, was quite as much "a perjured wretch" as Krushnaje, — "had for many days had free access to his nephew, and that I have also at Sukharam's solicitation, permitted his (Govind Rao's) brother to accompany him in his visits; *their object* has been to induce him to disclose what he knew regarding the late proceedings of the Sattara Court, in *which they have been successful*. I had an interview with Govind Rao *this morning*, at which HE PRESENTED ME WITH THE INCLOSED, written, AS HE ASSURED ME, in his own hand, and which I had previously given him the means of preparing." Now, mark, that this was on the 24th, which he had "prepared before;" he was only removed to the house on the 23rd, and therefore he must have prepared it while in gaol. Contrast that with Mr. Hutt's statement, and then see how essentially the two accounts vary. I have no doubt Mr. Hutt is a very honourable man; but is he accurate in these statements? Are any of these statements sent home from Sattara, satisfactory? I answer, they are not. Nothing is cleared up. All is evasion, or concealment, or trick. I do not wish to use an offensive term, but I was going to ask you whether you will allow yourselves to be humbugged by

Colonel Ovans? I will not, however, say "humbled," (laughter), but whether you will be misled by him? Mr. Hutt says, "Govind Rao has not been long under my care." This statement will again show the carelessness with which the thing has been done; yet be it remembered, in a case where the lives and liberties of people are involved. "Govind Rao had not been long under my care, when one day he sent a message to say he particularly wished to see me; I accordingly repaired to his lodging; he then, after a brief preliminary discourse, told me, that when inquired of at Sattara, he had denied all knowledge of the matter upon which he was interrogated, that his duty to his sovereign required it, but that he now found he could do him no good by longer persisting in what was false, that the kind and considerate treatment he had experienced had inspired him with confidence, and that he was prepared under certain conditions to divulge the whole that he knew. These conditions were, that he should *not be compelled to make a public disclosure*, and that no public native officer should be called to take it down. To the *best of my belief*, I then proposed to send for pen, ink, and paper, and write it; but he offered some objection, to the effect that suspicion would be excited, and reports circulated about it, which might be hurtful. It was then arranged that he should come to my house on the following day, at about ten o'clock (mark this, for the purpose of having his confession taken by Mr. Hutt) *for the purpose*, when *I was to have all prepared*, proper precautions being taken that *no one should be within hearing*, and he would then *fully and unreservedly divulge all he knew*. He came accordingly, attended I think by the person above referred to, but whose name I do not now remember, and sitting in the room on the south side, with all the doors and windows, down to the ground, open, *he related the whole he had to say, he writing it in Mahratta, in his own hand, whilst I wrote it in English.*" Now, call to mind the letter of August, 1837, and say can you reconcile these two statements? Here Mr. Hutt tells you now, that Govind Rao wrote it in Mahratta, and he wrote it in English. In the other letter, written the very day of the translation, he tells you positively that the confession was brought to him *ready written*, and that Govind Rao *assured him* it was written with his own hand. What, now, becomes of the

triumphant reply of the Deputy-Chairman? But he feels secure ; he knows that he is backed by a majority ; or, perhaps, he thinks he may make any sort of statements and that nobody will get up in this Court and contradict him. I say, what becomes of his triumphant quotation of Mr. Hutt's letter? Let me again ask as a lawyer, if a confession dictated to a man in a dungeon, although it may not be a "dark" one, is a volunteer confession? Sir, I think the arguments of the Government of India are, at all events, completely demolished upon this point ; and if so, they are demolished on all. *I think I may now leave the Deputy-Chairman to your tender mercy.* It appears to me that that declaration of Govind Rao is conclusive. Then there comes a second point of inquiry—the case of Colonel Ovans. It is all very well to refer the charges made to Colonel Ovans for his information. It is right that he should have a copy of the charges, but it is wrong, and grossly wrong, that you should allow him to be the judge in his own cause, and because he may have friends in this house, determine that he shall not be tried like every other man. Such a course is contrary to the principles of justice, and opposed to your interests in India. I shall not at this late period go through the evidence with reference to the man who was said to be personated, but I think it is most satisfactory. Colonel Ovans says, "I do not know anything about it." Colonel Ovans has been accustomed to have his own way so long, that he answers upon this point with perfect carelessness. "I dare say he came before me, I dare say he did ; perhaps he did not ; perhaps he did ; I do not know anything about it, but, if you like, ask Ballajee Punt Nathoo." The seals have been very ably disposed of by General Briggs. I was very glad to hear my friend, Major Oliphant, say, that the Bombay Government had been tampering with justice. That is a charge which I am prepared to maintain. In this matter the Bombay Government stopped the course of justice, shut the judicial Courts, and decided by Military Government, what ought to have been determined by Civil. I care not whether the charges against Col. Ovans and Ballajee Punt Nathoo are true or false. One thing is certain, they should have been immediately inquired into, and most impartially heard. They were dismissed, and hence I say, justice and law were alike outraged. Had I been Col. Ovans I confess nothing should have

induced me to write a letter to this Court, or to any one in it to shield myself. I would have vindicated my character in open Court. That is the fair, manly, and open course, which he ought to have pursued. It is due to himself still to do so, and I think he is badly advised by his friends not to do so. He may come clear out of this part of the inquiry; if so, so much the better. I am sure of this, that *while the charges remain unanswered, people will not be satisfied of his innocence.* How does the case stand? Krushnajee had, from time to time, petitioned the Bombay Government, but obtained no redress. Naturally enough, he turned round upon those who had prevented his redress, and he accused them of their gross malpractices. "Oh," says the Deputy-Chairman, "think of the treachery of this man, turning against them in the manner he has done." I hope, if the honourable gentleman is a magistrate, and ever sits at Quarter Sessions, and finds hereafter one sheep-stealer impeaching another, that he will not receive the evidence of the treacherous accuser.—(Hear, hear, and laughter.) The man evidently had originally no such object, and never wished to do anything of the kind; but faithlessness to him made him irritable, and he said to himself, "Well, since I have been thus treated, why should I conceal the facts I know?" To me, the process of thinking, and mode of acting in this affair, are quite natural and intelligible. Why so much ado about his motives? Why not in a manly manner take his evidence, and sift his charges to the bottom? I do not wish to enter into the point of whether the charges are true or not: I look only at the manner in which they have been dealt with. Krushnajee went to the Judge. What did the Judge do? The Judge seemed to know his duty. I do not understand why he should have been obliged to refer these proceedings ultimately to Government. I was not before aware that that was the system in India; but if it is, it is a very bad one, because it is quite impossible for a Judge to be independent under such a system. The Deputy-Chairman said, that "recommended" was a stronger term than the letter of Mr. Warden warranted. Let us see:—Krushnajee presents his petition to this gentleman, who knows his business, and what is the letter to Government? "Several months ago I received by the post a Mahratta paper, of which the enclosed is a translation. As it has been usual for the Agent for Sirdars to communicate with the Government on alleged misconduct

by Sirdars, as *the mode of inquiry asked for in the present instance* by Krushnaje Sadasew is that *ordered by Government* in the case of Dadjee Appaje Seweya, excepting only that the Committee on him was a native one, and as Ballajee Punt Nathoo is *not only* 'Sirdar of the second class, and a pensioner of the British Government during good behaviour,' *but is the most favoured of all those* who on the accession of the British Government to the Deccan were styled 'British adherents;' *it did not appear right that I should disregard such serious complaints against him, and so earnest an appeal to me, as the Agent of Government* in immediate communication with the Sirdars, although those complaints relate to the acts of Ballajee Punt Nathoo when employed in the Sattara country, and I therefore, as a preliminary step, called on Krushnaje Sadasew to state the grounds on which he preferred these charges of extortion, fraud, and abuse of authority." Can any candid person say that this letter is not really something even much more than a recommendation? Mr. Warden binds Krushnaje down in his own security and that of some one else. Let me here challenge a certain member of Parliament with saying in the House of Commons, "What was the worth of Krushnaje's recognizances?" I refer to the Deputy-Chairman.

Mr. HOGG. I understood the honourable proprietor at first, as referring to the speech of the Secretary of the Board of Control.

Mr. George THOMPSON. The observation made by the honourable Deputy-Chairman in the House of Commons was this, namely, that the security of Krushnaje was worth nothing, as he was a man who had nothing to pay; but he did not tell the House that both Krushnaje and the man bound for him, were liable, in default of payment, to *two years imprisonment*. (Hear, hear.)

Mr. Serjeant GASELEE. Nothing is more common than for a man to say "I cannot pay;" and then you send him to prison, saying, "You must pay in person if you cannot pay in pocket." The witness, too, actually makes an oath to the truth of his charge, and brings himself within British jurisdiction. Now, here are the charges; how do the Bombay Government deal with them? Dismiss them! Krushnaje has been abused. Well, if Krushnaje is the wretch you describe, do not believe *his* evidence; but at all events give credit to the witnesses he puts forward. Believe the

*documents*, which cannot err. Now, these are circumstances which appear in connection with these petitions; and I say again, that they are facts which should be inquired into. I again state my opinion, that the whole of the conduct of our Government towards the Raja of Sattara is a foul blot on the British character. Sir, that is strong language; but I am prepared to prove its truth. I regret that whenever this Court has been moved upon this subject, we have been met by amendments, and twitted, and taunted, and ridiculed, as men who think no opinion but our own worth anything. Thank God! your taunts and jeers pass us by as the idle wind. We are here to-day, we shall come again to-morrow, and so continue firmly and steadily to prosecute our cause, attributing no motives to others, and allowing none to be imputed to us. When I hear it said that this case has been decided, I answer that it has not been decided. If you were to decide five hundred millions of times against the immutable and eternal principles of justice, it would be no decision at all. (Cheers.) The Raja has been condemned, and you have not heard him in his own defence. You may call your proceedings decisions,—I say they are libels on justice. You have convicted him unheard; and until you *hear him*, there can be no righteous decision. But more than this, you do not believe the guilt of the Raja yourselves. None of you believe it; for if you did, you never would have offered him his throne upon such terms as were proposed, for if he had been guilty of the crimes imputed to him, he was clearly quite unworthy to reign. It comes, therefore, sir, to this, that the cause of all this persecution of the Raja was his perseverance in seeking his rights. You found him a troublesome customer in the matter of the jagheers. Finding him a difficult subject to deal with upon this point, you thought the best way would be to get rid of him altogether. But, sir, you have miscalculated your strength, and overrated your power in this Court. You thought that by coming down here a few times, and swamping us with the votes of a majority, who had never listened to our arguments, but whom you could always rely upon to support your silly amendments, that you could stifle the public voice, and keep your job undisclosed; but depend upon it, that in this, as in all other questions, the public voice will prove too strong for you. It may not prove so to-day, or



to-morrow ; but rely upon it, the day will come when you must do justice to the Raja, when you will be compelled to re-open the case, and to hear him,—and if innocent acquit, or if guilty, condemn him. (Cheers.) Sir, I implore you not to treat this question as one which has been decided. Let us not be met again, as we have been, with scornful censures upon our pertinacity, and our fondness for our own opinions. We do not so much put forward *opinions*, as *facts*. Give us credit for good motives, whatever may be the result. I hope there will always be found in this Court a band of honest men, who, feeling strong in the confidence of a just cause, will not hesitate to come forward again and again to tell you that the Raja has had no trial, and to demand for him a hearing. You may call your Bombay proceedings a trial if you please ; but I, sir, in the language of the Lord Chief Justice of England, denounce those proceedings as “a mockery, a delusion, and a snare.” (Cheers.)

Mr. CLARKE. Sir, it is not my intention to prolong this discussion. The question before the Court is one involving much higher considerations than the mere guilt or innocence of the Raja of Sattara. (Hear.) The principles embraced in this question are not exclusively applicable to the situation of the deposed Raja, but involve the fundamental principles of the measures adopted by the Executive Government of India, not merely as applied to the Raja, who happens to be a prince, but to the poorest of our native fellow-subjects. There cannot be a greater injustice done to a native of India, or any human being, whether rich or poor, than that he should be deprived of his station in society, and have his property confiscated and his good name taken away, upon the proceedings of a Secret Commission, upon evidence strange and improbable, and that evidence altogether *ex parte*. This is a course of adjudication which no country can adopt without a violation of the first principles of justice, and no Government so acting can have the slightest claim to be called a just Government. (Hear.) The Raja of Sattara has not only had no opportunity afforded him of bringing forward his defence, but he has even been refused the evidence which would have enabled him to make one. (Hear.) The only means of enabling him to defend himself, would have been to have given him a copy of the charges preferred against him, and with it, the testimony by

which those charges had been sought to be supported, by those who were so assiduously *persecuting* him,—for, sir, I must use that term. (Hear.) In my opinion, the case of the Raja of Sattara involves a great principle, most materially affecting our moral and political influence in India. What will the people of that vast empire think of our Government, when they see charges brought against one of their most distinguished princes, and the pretended proofs of their truth denied to him? What will they think, when they see the property of this prince confiscated, and his throne taken from him upon *ex parte* evidence, without the slightest intimation being given him of the nature of the charges, and without one tittle of the evidence of his accusers being laid before him? What will they think when they look on and see, that when that prince seeks redress from the supreme Government of India, the door is shut against him there, and when he appeals to this house, the door of justice is closed against him here? Can we afford to have these facts stated and circulated in India? Will not the publication of them produce a conviction in the minds of the natives that great injustice is practised by us? And will not this conviction, sooner or later, sap that moral influence, which, upon the evidence of the best and wisest statesmen, is the greatest and strongest element in the composition of our political power? Sir, entertaining this view of the subject, I see much more in the balance than the mere fate of the Raja. I am very much surprised at the course which the Directors take on this question. “These charges,” say they, “have been considered and decided upon by the local authorities in India, by the Directors at home, by the Court of Proprietors, and by Parliament; and we cannot therefore have them re-opened.” But I must for ever contend that it is impossible to arrive at any just decision upon *ex parte* statements. Suppose a trial was to take place in this Court upon a question between two men, and that we took evidence in secret from the one party, and refused a copy of the proceedings to the other, whom we afterwards convicted, and condemned, and punished; would not such conduct call down upon us universal execration? Sir, such a course as has been taken in this case of the Raja is monstrous in principle, and is nothing more or less than a total denial of justice, and a foul prostitution of the

name. The Deputy-Chairman said yesterday, that nothing should induce him to re-open this question. I heard that statement with astonishment. The question has never been decided at all. The question never can be determined justly, while the whole of the evidence is on one side. When I hear such a declaration as that which I have quoted, made by a Deputy-Chairman of this Company, and know that it will be circulated throughout India, as having come from him in his official capacity, I feel persuaded that it will be calculated to produce, and in all probability will produce, an impression on the minds of the natives, that no appeal against injustice done in India can be successfully made to this house, and that the door of this house is shut against the injured. If, by our vote of to-day we deny inquiry, what then? It will go forth that the Executive Board in this house, no matter what they do, are supported through thick and thin by the Company. And must not the knowledge of such a fact, and the feelings which it must necessarily awaken, sap, and ultimately destroy our moral influence in India? I contend that there has been no trial in this case. Certain one-sided measures have been adopted; but who will say, who can say, that the guilt of the Raja of Sattara has been fairly proved, while as yet he has not been heard? (Cheers.) Talk as you will, there has been no just decision on his case. I might advert to the evidence upon which this so-called decision has been founded, and I might show that it is impossible for any man to read that testimony, without being forcibly struck with its inconsistency, its many contradictions, and, above all, its great improbability. And yet, upon this one-sided evidence, which has been dissected in such a masterly manner by my hon. friend, Mr. Sullivan, and other members of this Court, who have together shown that there is not a shred of anything like proof,—upon this evidence it is, that the Indian authorities and Court of Directors have acted. How, then, is it possible, under these circumstances, to support the amendment moved by the Chairman? If the Court of Proprietors support that amendment, it will make them parties to the perpetuation of this gross act of injustice. By so doing, they will make themselves parties to the whole transaction, because they will lend themselves to the perpetuation of wrong. Sir, I for one cannot hold up my hand for any purpose of that description.

The amendment really involves the principle of the entire irresponsibility of Government. The Deputy-Chairman told us yesterday, that if this case is re-opened, there is not a man in India who would attempt to carry on the Government; and that it would affect the character of all who are concerned in the administration of public affairs. Now I take quite an opposite view of the matter. I think every question which is supported by a sound moral principle, must triumph sooner or later, and I think you had much better do justice now, and do it willingly, than be compelled to do it hereafter. I should myself have moved, had not Mr. Lewis anticipated me in so doing, to the effect, that the evidence which has been brought before this Court, relative to the case of the Raja of Sattara should be laid before that prince, and an opportunity be afforded him of defending himself. This is nothing more than a simple act of justice, which every man has a right to claim. In doing this I should bring no charge against Col. Ovans. His character has had very honourable testimony borne to it by gentlemen on both sides of the question. Col. Ovans may have been actuated by pure motives and high integrity; but he may nevertheless have been duped; and if he has been deceived, every one is misled, who acts upon his statements. I repeat it,—the result of supporting the amendment of the Chair is the perpetuation of a system of injustice. I do not ask the Court to decide on the merits of the case, but to adopt a plan which will lead to a just decision. You cannot decide this case till you have the defence of the Raja of Sattara. As regards the Raja himself, looking at him only as a human being, I care not whether he is a prince or a peasant; but I do feel concerned that the administration of justice should be pure, and that we should not deprive either the Raja, or any other man, of the inalienable and most sacred right of being fairly and impartially heard in his own defence. (Loud cheers.)

Mr. TWINING. Sir, I shall not answer the arguments of the honourable mover of the resolutions, because he has been so ably replied to by the Deputy-Chairman. I am satisfied the honourable gentleman may be left in his able hands. I record my vote in favour of the amendment, because the case has been already before three tribunals in this country—this honourable Court, the Board of

Control, and the House of Commons. We all know, that in courts-martial a trial can only be reviewed once; this has been reviewed three times, and has been confirmed by the voice of the nation, by this honourable Court, and by Parliament. Gentlemen, a great deal of extraneous matter has been introduced upon this occasion, and much abuse has been heaped upon an absent officer of distinguished ability.—I am alluding to Colonel Ovans.—He has, however, been ably defended by the Deputy-Chairman. I think the abuse was extraneous, uncalled for, and certainly most improper. Under these impressions I could not withhold expressing my conviction, that Colonel Ovans stands unsullied in his character, both as a soldier, and a man who has performed his duty to this country in the most honourable and proper way. I thus record my reasons why I intend to support the amendment of the honourable Chairman.

Mr. MARRIOTT. Sir, I intend to support the amendment, but not because I am at the beck of yourself and the Directors. I owe the Directors nothing, I look to them for nothing, and I think the Deputy-Chairman has had rather a hard measure dealt out to him, in the comments which have been made upon his speech of last evening. He would not go into the case at large, to keep us till twelve o'clock at night. Was that the *suppressio veri* which we have heard so much about, or was it the *cui bono veri*? He saw that it would be no use for us to open the case again. Parliament could do nothing with it, and I am sure we cannot touch it at this time of day. If it had been shown that any flagrant act of injustice had been inflicted upon the Raja, Parliament would have entered upon the question. There is no doubt of that. Had they viewed it as it has been regarded here, particularly by the legal gentlemen who have spoken upon the other side, they would have taken up the case. With these views I shall still support the amendment, and vote against what may be called the popular side of the question. (Laughter.) I hope that the Marquis of Wellesley (alluding to the statue) will never see in the Direction the two persons whom he now apparently looks down upon, and who have no business upon that side of the bar. (Laughter.)

Captain RANDALL. Sir, in giving an opinion, I am unwilling to occupy much of the time of this Court; I feel satisfied that in

supporting the amendment of the honourable Chairman, I am discharging my duty as an East India Proprietor; I am here uninfluenced by anything but a sense of duty, forming an opinion, as well as I can, from the multitudinous matters which have been brought before us, upon this and previous occasions, when the Court of Proprietors have come to such decided opinions. If those opinions, so decided, are not to be called decisions, I know not when we ever can arrive at one. There would be no end of discussions upon every question, however decided in fact it might be, if questions were to be constantly open to renewals of this sort. We have had the most deliberate consideration of all the points, and we are now brought here again upon them. I do think, that unless we support the Court of Directors in this matter, we shall not be performing our duty to ourselves, or doing justice to them. (Hear, hear.) I feel, sir, perfectly unmoved by those allusions and threats, which, I am sorry to say, have been indulged in to a degree unknown in former times. I feel that the East India Company, and this Court, forming part of it, will be lowered in the opinion of the public, both here and in India, if they do not remain firm in the decisions to which they have come. I can view with no feeling but that of dismay and alarm, the re-opening of such a question as this (which God forbid anybody should treat as a light one.) If that is to be opened, again to be entangled, with all the contradictions which we have seen arise throughout the course of these debates, I think it will do more to shake the confidence of England and India in this Court, than any other course which could be adopted. I do therefore hope, sir, that though this Court is thin, and though we have had a display of ability to a very great extent, as I am sure every one must admit, from gentlemen on the other side of the question, yet I do hope there are sufficient Proprietors to demonstrate that our confidence in the Court of Directors is undiminished; that they have done wisely, supported as they have been, by every authority calculated to give confidence, and in whose award the confirmation of your proceedings is truly valuable. I trust we shall prove that we are fully satisfied with the Court of Directors, and express our opinion that they are deserving of the support which we give them.

Mr. P. GORDON.—Sir, though not entitled at present to vote upon this question, I am entitled to speak to it.

Mr. MARRIOTT.—Is this a director, or a proprietor, who is about to speak ?

The CHAIRMAN.—A proprietor.

Mr. P. GORDON.—Willing, however, to become a director any day you please. (Laughter.) A despatch was forwarded from the Court of Directors to the Bengal Government in 1832, in which they fully and ably demonstrate the general prevalence in India of a system of extorting confessions from prisoners. If the volume is at hand I should like to refer to it. It is the Appendix to the Judicial Evidence, page 32. There are half a dozen paragraphs on the subject, showing that it is the system of all the police offices, both in the British and native governments, to extort confessions; I would also refer to another document, being an account of what took place in the Select Committee of the House of Commons, Sir Robert Grant himself in the chair, on the 17th of April, 1832. I was there at the time. On that occasion Alexander Duncan Campbell, Esq., Registrar of the Supreme Court of Madras, afterwards Chief Puisne Judge, and a relative of Mr. Hill, in the Examiner's-office, up-stairs, was examined. Sir Robert allowed me to put a question to the witness, whether torture was made use of in India for the purpose of extorting evidence. The document is so important that I beg to call for it. It has been reprinted by order of this Court, and therefore is in the hands of the proprietors. It states explicitly, in the same manner as the Court's own despatch, that it is the prevailing and almost uniform plan to extort confessions. My feelings with regard to the case of the Raja of Sattara are so very strong that I do not like to venture to express them, for *his* treatment forms an exact parallel to *my own*. (Laughter.) It may be a laughing matter to some of the honourable proprietors, but they have not, like me, been imprisoned by the East India Company. (Cries of "Question.")

The CHAIRMAN.—Confine yourself to the subject before the Court, and do not enter into your own case.

Mr. P. GORDON.—I mention my own case because it is a parallel to that of the Raja of Sattara. A man has been imprisoned. I do

not care whether dethroned, or taken from Sattara. He has not been tried, but he has been punished. He is a black man—I am an Englishman, and I, though an Englishman, have been imprisoned, but have not been tried. The benefit of that, which is the birth-right of every Englishman, the *Habeas Corpus* Act, was denied to me. I applied to every authority for redress. I went to the Supreme Court of Madras. (Question.)

Mr. TWINING.—Sir, I rise to order. We have already endured a very long confinement here. I do not want to allude to the subject of torture, but this speech pretty nearly approaches to it. (Laughter.)

Mr. P. GORDON.—The question before the Court concerns the case of a person who has been imprisoned, but has not been tried. My own is such a case. I, too, asked for a trial. What answer have you? My own and the Raja's case are one.

Captain RANDALL.—The Raja has been tried.

Mr. P. GORDON.—What! when he has not been heard! When he has not been furnished with a copy of the charges. Have I been allowed to plead my own cause? Could I esteem it a trial when I was dragged before a magistrate without a shoe to my foot, and was not allowed to go to my own house? When in prison, I said, “I will answer no questions while I am in a dungeon. Show me the charges. Bring me to trial.” I applied to the Supreme Government, and they referred me to the Court of Directors. Fifteen years have I been here seeking a trial. (Question, question.)

The CHAIRMAN.—The sense of the Court is, that you shall not introduce irrelevant matter.

Mr. P. GORDON.—My sense is, that mine is a strictly parallel case. The greatest blessing to India would be order, purity, and reformation in this Court. That is what I earnestly desire to witness. I would go on, but you will not let me. I will therefore sit down. I have not, as one proprietor said at a recent Court he had done, brought my night cap with me, but I hope I shall never engage in a cause which I believe to be just, without, like the Mussulman, being accompanied by my shroud.

Mr. GEORGE THOMPSON.—I shall postpone to a future occasion much of that which I deem it necessary yet to say, in reference to the



vast mass of evidence that has been brought together to defame and ruin the Raja of Sattara. I look forward to many future discussions upon this question, unless the masterly revelations of iniquity which have been made to-day and yesterday, should lead to the doing of that long delayed act of justice, for which we have so often pleaded, but hitherto in vain. In availing myself of my privilege of reply, I shall confine myself principally to what has fallen from the lips of the Deputy-Chairman of the Court of Directors, who has been our only antagonist, with the exception of a proprietor opposite, whose speech in this debate I do not think calls for notice, although I feel a strong desire on every occasion to do him the justice he deserves.—(Laughter.) I must not, however, neglect to record my protest against the injustice of the present Chairman, who, after permitting Mr. Wigram to indulge in a direct attack upon me, prevented me from offering any reply. It is the law of all public assemblies, to give an individual who has been personally assailed, an opportunity of defending himself; and when a Chairman by non-interference sanctions an attack, he is bound to grant a hearing to the party assailed. The conduct shown to me to-day, has been in keeping with the rest of the proceedings of this body. I have been rudely and unjustly attacked, but I have been denied the opportunity of defending myself. The accuser was heard, but the accused was silenced. This is the justice administered at the India House—and nowhere else. Suffer me to state the reason of my occupying a post behind this bar. In no other part of this house is there any suitable accommodation for a human being; still less for a person whose duty requires a frequent reference to books and papers. There are no chairs, no tables, no pens, no ink, no paper. What are called seats, are not seats—they are not even as good as the stairs of a warehouse, for there are wells or gulfs between, exposing one to the chance of breaking one's shins. Who can sit with comfort beyond this bar? Who can take notes? Look at this moment at the Reporters for the press, with their books on their knees. Have pity on those, who, after a long debate, have gone home sore and ill in consequence of the discomfort of the place. On this side the bar you have every luxury—easy chairs, with high backs—in cold weather a good fire—and in yonder room an abundance of other creaturely comforts to betake yourselves to, whenever you please. Consider, I say again, the

convenience of your fellow-proprietors. I made choice of this seat this morning, because I was made ill by my position yesterday. Spend a little money in fitting up the Court, that it may be what it ought to be, and then you may keep this part of the house to yourselves. Not that you have more right here than other proprietors, for in this Court we are equal. Think not, however, that I desire to intrude. Think not that I seek better company than I find among my friends yonder—far from it—if I did, I should certainly not come here. Now, if you doubt the truth of my description of the miseries we have to endure on those dirty steps, just change places with us next Court day, and I warrant we shall see cushioned benches with backs, and every thing else, required to render tolerable a protracted sitting in this Court. Whenever you render the other portion of this Court fit for our reception I will retire from this place, and gladly take the lowest seat, if I can occupy it without a pain in my back.

I shall now refer to the Deputy-Chairman's assertion, that the friends of the Raja who are prosecuting this cause are a "SMALL KNOT OF PERSONS." I suppose he means small, in contrast with the opponents of the Raja. One proprietor has had the boldness to tell us, that "the nation is against us." What he understands by the word "nation" I cannot tell; but if he means *the people* of this country, I can inform him, that I have addressed many thousands of them on this subject, and never yet did so, without finding them unanimously of opinion that the dethronement of the Raja was an act of base and cruel tyranny, and that those who had done it and sanctioned it, were worthy of the severest punishment. But to return to the Deputy-Chairman and the *small knot*. Sir, as the friends of the Raja have been thus described by one of the chief executive officers of this Court, I will take the trouble of answering him. I will untie this small knot—I will lay its individual threads before you, and then I will twist them together again, and leave you to judge of the number, the intelligence, the moral worth, and the strength of this "small knot of persons." Now, I do not deny that we have been outvoted here. The division list has always shown a majority against us. But who knows who the majority is composed of? I do not. I see men straggle in here, and peep about. I see certain nameless persons lounging in the lobby,

with their eyes fixed on the Chairman. I see them when the votes are called for, herd themselves together, and I see them counted by the teller; but who they are, where they come from, or where they go to, I know not. One thing I know, they have never spoken on the question, nor have ever heard an entire debate, at least since I have sat in this Court. I have been told they are frequently *brought here by notes and messengers*, and that they dare not refuse to come. But this I know, that hitherto, justice in this Court has been strangled by these "mutes." They are here to-day, they are sitting before me, with the faces of contractors and of pickers up of unconsidered trifles—they are in time to vote; that is enough. Verily! they will have their reward.

"A SMALL KNOT OF PERSONS." Let us see. We will begin with the Residents who have represented the British Government at the Court of his Highness the Raja of Sattara. The first was Captain Grant Duff. He has borne the most flattering testimony to the disposition, the talents, the honour, and the loyalty of the Raja. In a letter not long since addressed to the agent of the Raja, now in Court, (and which I am prepared to produce,) he avows his disbelief of the charges brought against his Highness. His words are,—“He” (the Raja) “never could be guilty of what has been alleged against him. I believe he never for one moment entertained inimical intentions towards the British Government. The whole story of intriguing with Goa, and of corrupting the sepoy, I also believe the Raja had nothing to do with, and I think his deposal was impolitic and unjust. I have always said, that, judging from all I ever knew of the Raja, I do not believe him guilty of the silly crimes with which he has been charged, and for which he has, in my humble judgment, been unjustly set aside.” I shall presently refer to this gentleman again.

The next Resident at the court of Sattara was my friend Major-General Briggs. What need I say of him? You all remember his able speech in 1841, and you have heard his masterly exposure of the Goa plot to-day. There he sits, waiting to record his vote for a man whose conduct he had the opportunity of watching for more than four years, and whom he believes morally incapable of the crimes laid to his charge.

The next resident at the court of Sattara was Major-General Ro-

bertson. What shall I say of him? In 1841, when standing at this table, he demonstrated that the Bombay Government broke the treaty with the Raja, by denying his sovereignty over the Jagheers secured to him by Mr. Elphinstone, and that the plots against the Raja were got up and fostered in consequence of that breach of treaty. You heard General Robertson's voice yesterday. Was it for or against the Raja? Answer me that. Let the public of Great Britain know that General Robertson, who was for six years a daily observer of the life and actions of the Raja, has solemnly declared in this Court that *he would sooner take a denial of the charges brought against the Raja, from the lips of that prince, than the whole of the evidence collected to convict him.* (Cheers.)

The next Resident at the court of Sattara was Major-Gen. Lodwick. What shall I say of him? This: that in him you see a victim of the same arts which have destroyed the Raja. This noble-minded man has been one of the most able and efficient expositors of the detestable machinations of the Bombay Government. He has revealed many of the previously hidden springs of action among the enemies of the Raja. He told us of "the paper of hints." He unmasked Colonel Ovans and Mr. Willoughby. He has had the frankness to confess that he was himself deceived. In this Court, as well as in his printed letters and memorial to the Directors, (all of which are official documents, and now before the Court,) he has had the courage to reveal the secrets of the prison-house. There is not a man in existence who more firmly believes in the innocence of the Raja, or more strongly condemns the conduct of his persecutors, than General Lodwick. Here, then, are four British officers of high rank and unsullied reputation, *whose personal knowledge of the Raja extends over nearly TWENTY YEARS*, all found among the "small knot" of persons who are pestering this Court with their clamours for justice. Who among those who have been ambassadors at Sattara is against the Raja? Lieutenant-Colonel Ovans! The opener of letters—the suborner of evidence—the paymaster of Balkobur Kelkur—the employer of Sukharam Bullal—the concealer of the testimony of Krushnajeel, and the bosom-friend of Ballajee Punt Nathoo.

"A SMALL KNOT." Having gone over the list of Residents at the Court of Sattara, let us come to the Court of Directors, and let us

begin with those who have placed on record their written protests against the Court's despatch of April 1, 1840, sanctioning and commending the dethronement of the Raja. Never was there a more disgraceful proceeding than that. There had been a special Court only six weeks previously, to recommend the Court of Directors to withhold their sanction until a full and fair investigation of the charges against the Raja had taken place, according to his Highness's earnest and repeated request. Those who spoke, and who intended to vote, were told to wait until the evidence was before them; but did the Directors wait? No; as soon as they had got rid of the proprietors, they sent out a despatch, warmly commending all that had been done. On that occasion the proprietors were juggled, deceived, and betrayed. (Hear, hear, hear.) But do all the Directors deserve the condemnation with which every upright man must regard such a proceeding? No! Honour to whom honour is due. There were four men who washed their hands in innocency. Their protests are on record, and their children will point to them with pride. And who are those Directors? I name them with respect, with admiration, and with gratitude. First on the list stands the venerable Mr. H. St. George Tucker. He denounced the dethronement of the Raja as premature, uncalled for, impolitic, and unjust; and as contrary to law, because done without the sanction of the home authorities. Next, we have the incomparable minute of the late lamented Mr. John Forbes; a document which I cannot read without astonishment, at the profound sagacity, the statesman-like ability, the noble generosity, and the inflexible principle which it displays. (Cheers.) Summing up the evidence against the Raja, he declares it a mass of fiction, of forged cyphers and seals, of false entries in books, of suborned testimony, of direct perjury, the result of every artifice that great cunning, great ability, and inveterate hatred could employ; and selecting from among the traitors to the Raja the man most deeply dyed in guilt, he points to Ballajee Punt Nathoo, and says, "Thou art the man." Mr. Forbes concludes by saying, that the charges against the Raja rested on evidence on which no grand jury in England would have sent a case to trial. (Cheers.) Next, we have Mr. John Shepherd. He declares that the preamble of the conditions which his Highness was called upon to sign, entangled him

in an admission of guilt, it also involved the Government in the glaring inconsistency of propounding a principle which required the strongest proof of the Raja's unworthiness to reign, as a necessary condition on which he was to continue on the Guddee. Who will deny (he asks) that his rejection of the proposal furnishes presumptive evidence of his innocence, and raises him more in the estimation of the world, than if he had ignominiously complied for the sake of retaining his sovereignty? Mr. Shepherd has also protested against that iniquitous act of spoliation, by which the Raja was utterly deprived of his private property, in violation of the written engagement of the Government, and three several assurances in the handwriting of Colonel Ovans. Next, we have Mr. John Cotton, who declares that, however strong and conclusive the *ex-parte* evidence obtained against the Raja was considered to be, it was never contemplated by the Authorities, either at home or abroad, to depose the Raja without first giving him the opportunity of refuting the charges preferred in a formal trial; or, without the express sanction of the Home Authorities. Such, in brief terms, are the opinions of the four honourable Directors whose written protests are upon the records of this House. Sir, these are a portion of the small knot. If we are outvoted to-day by the mutes in reserve, we are nevertheless in good company, whether we look at the living, or think of the dead. (Cheers.) But I have not done with the Directors. Amongst the small knot, I find Colonel Sykes, who in 1841 concluded his speech in this court by saying, "As I am called upon to give my verdict, having read the papers carefully, (who amongst those by whom we are outvoted in this Court, can say that?)—having read the papers carefully, and having heard what has been advanced against the Raja in this debate, I cannot, I confess, give credit to the charges, and my conscientious verdict must be Not guilty, on my honour." (Cheers.) And now, Sir, we have to add another honourable director to the small knot of persons, and oh, I do thank God for the truth's sake, that we have—I refer to Major Oliphant. (Loud cheers.) My thanks are little worth, but such as they are, I tender them out of a full and grateful heart to that gentleman for his speech of yesterday. Newly come into the direction, I can appreciate the moral courage he has displayed in walking out of that room into this.

to speak the honest sentiments of his soul upon this question. I can well imagine his desire to avoid the causes of division and dissent; well imagine the struggle it must cost him to act in opposition to those whose views and conduct on other questions he respects; and I can admire the firmness that rises superior to all personal considerations and private friendships, and leads him to take part with the small knot of persons. It is not that he loves his colleagues less, but truth and justice more, that he stands forth as we have seen him, and with an ability which I cannot hope to equal, and with a temper which I wish from my heart I could copy, commits himself for better and for worse on this question. (Cheers.) Let him not fear the result. Let no one on this side fear the result. The hearts of all good men are with us. Judgment, Justice, and Truth are on our side. Noah was in a minority of one, when he preached righteousness to the antediluvians. See, how the ark in which the hand of God preserved him, floats above the waste of waters! Where now are those who through forty years derided him as a fanatic, and a disturber of their sinful pleasures! His warnings have come down to us, and he is canonized—but where are they? God help us to remain an inseparable knot! I have no fear of—I will not say of our triumph but—our success. In the distance, and not far away, I see the Raja's innocence established. I see his enemies humbled. I see our opponents here; convinced, or if not, at least overpowered by the might of innocence and truth and justice. Sir, I have no more doubt that the Raja will again sit upon the throne of Sattara, than that my hand now rests upon the bar before me. Let directors and proprietors but be faithful, and they may smile with pity and contempt upon the dumb votes of a few sycophantic expectants, who for a little while longer may be able to give the withholders of justice a numerical triumph. What can our opponents do? What can these lobby voters do? Can they extinguish truth? Can they overturn our principles? Can they prove wrong to be right; falsehood, truth; cruelty, kindness; or condemnation without a trial, a fair judicial proceeding? But though we should not succeed, though the Raja should die, and we should die without seeing justice done, the sentiments which have been uttered and recorded during the present and

the past day—sentiments than which I never heard any more noble, more lofty, or more just—these shall live.

“Cold in the dust the perish’d heart may lie,

“But these which warm’d them once—these, these, shall never die !”

“A SMALL KNOT OF PERSONS.” Turn we to the proprietors who are not directors, and whom do we see? The Honourable Mountstuart Elphinstone. Need I tell you who he is? Would you dare to leave to his decision the settlement of this question?—Lord Clare, who says the Raja was right, and you were all wrong.—Sir Charles Forbes. Would he be against you, if your conduct was just?—Sir H. Jones Brydges; who tells the Directors that they have set law and justice at defiance, by degrading, exiling, and plundering the Raja; who tells the proprietors, in the letter I read yesterday, to relieve the Directors of a charge, for the proper execution of which they are totally unfit; and who moreover asks if the Raja has had such a measure of justice dealt to him, as neither the Queen would dare to refuse, nor her Chief Justice dare to impede the humblest of her subjects from claiming.—Joseph Hume, Esq., who told the House of Commons that a more gross and monstrous case of injustice than this of the Raja’s had never been brought to light.—Mr. John Poynder, who brings the acuteness of a lawyer with the spirit of a Christian to the consideration of this case. Mr. John Sullivan—but he is present; and if he were not, the mention of his name would be enough.—Mr. Charles Norris, late Secretary to the Bombay Government, a man not to be mentioned without a tribute of profound respect to his memory.—Mr. Lewis and Serjeant Gaselee, who, to go no further than their speeches of to-day, have proved themselves ornaments of the profession to which they belong.—Mr. Salomons, who, though not with us to-day, and averse from the irksome task of appealing again to this Court, has again and again declared himself in favour of all we ask—a hearing for the Raja.—Sir Gore Ouseley, General Hogg, General Clarke, Mr. Carpue, Mr. Savage, Major Hancock, Charles Forbes, James Forbes, George Forbes (all worthy sons of a most worthy sire), Messrs. Martin, Brown, Clarke, Cogan, E. S. Bain, Grant, Eastwick, (Captain) R. W. Eastwick, Malcolmson, Newnham, A. Bain Rogers, Copland, Iveson, Bellasis, and Jones. These are



some of the proprietors who compose the small knot of persons. Whom have we on the other side? Messrs. Fielden, Marriott, and Weeding, the *three Thomases* (a laugh), and Mr. Twining, worthy members all of that illustrious *corps* that goes by the name of the By-law Committee; and with them we have Sir H. Willoughby, brother of the accused Secretary, Major Clarke, and Mr. Jones, and some others whose names I know not, who belong to that class of which I spoke at the beginning, who come to this house to indulge in the noble pastime of "follow my leader." Test the small knot by the number of votes they hold. On *our* side I find seventy-nine, and on yours—thirty-five. It is right, I should say, that I have not included the votes of those whose names I know not. When you adopt the practice of giving us lists of those who vote on this floor, they shall shine in the *starry* constellation, to the full extent of their numbers and their brilliancy.

"*A small knot of persons*"—Shall I carry you beyond this building, and in the presence of your fellow-countrymen test the accuracy of the Deputy-Chairman's scornful epithet? Shall I spread before you the petitions sent from Dublin, Glasgow, Edinburgh, Manchester, and London, to Parliament, in favour of the Raja? But I spare you a repetition of the reproaches which the public of England heap upon you. But I warn you of what is coming. The idea is abroad that you are proof against the holiest and strongest demands of justice. That idea will take unto itself form, and body, and power. You can only arrest it by timely retrogression. If you go on, your destruction is sure. You may kill the Raja, but you cannot kill the idea. If you are prepared to deny justice, prepare also for swift and sure destruction, as a governing body.

A few words now in reply to the Deputy-Chairman, the sole speaker on behalf of the majority of the Directors. He says the whole of the authorities in India and England are against us. It has been triumphantly proved in the course of this debate, that *every Indian authority was with us, to the full extent of our present demand—which is, that the Raja should be FAIRLY HEARD IN HIS DEFENCE.* It has been proved that Sir James Carnac went out empowered to put an end to proceedings against the Raja, which the Directors in their own despatches called a waste of time, and detri-

mental to the character of the Government. The Deputy-Chairman talks of authority being against us! I tell him that the Statute Law of England is against him—that by the law of England, made expressly to meet such a case, the act of Sir James Carnac is *ipso facto*, null and void—being directly in violation of an explicit enactment, and that the confirmation of that Act by the Directors, was an infraction of the conditions upon which the charter of this Company is held. I do not dispute the learned gentleman's ability to quibble and evade, to distort and misrepresent (I shall come to the *suppressio veri* presently), but all unlearned as I am, I defy him successfully to deny what I am now going deliberately to state—and I permit him to call the standing counsel of the Company to his aid—that the Raja could not be legally dethroned, without the express command of the Secret Committee of the Court of Directors, by and with the consent of her Majesty's Board of Commissioners for the Affairs of India. The Raja was not punished *flagrante bello*—there was no critical emergency—no imminent peril—no frontier invasion—no declared hostility—there was no one cause, pretext, occasion, or excuse for the summary dethronement of the Raja. Will the world learn, without learning at the same time to execerate the doers of such a dark deed—that the noblest of men was dragged from his throne like a traitor, when his letter was before the Government, saying, “Take the management of my kingdom, and deliver me from the agonies of suspieion and persecution; but give me, 'tis all I ask on earth, or hope from heaven, the opportunity of proving my innocence?” Yea, more, he was dragged from his throne but a few hours after he had said to Sir James Carnac, “Hear me, and I will submit to any punishment you may choose to inflict, if I do not answer every charge that my unknown accusers have preferred against me.” Let the people of England know, that even his dethronement was effected like the capture of a felon. He was taken from his couch at night—he was taken naked from his couch—no time was allowed him even to cover himself with a garment to screen his body from the chill air; the officer is in this country who saw this done, who saw an attendant throw a cloth over him, as he was being hurried to the palankeen that was to convey him for ever from the palace of his fathers.

Thus was treated the man who, at any moment, on the requisition of the Government, would have yielded up his throne, his kingdom, and his power, and gladly have purchased the restoration of his honour at the expense of all besides. This is what the Deputy-Chairman calls a judicial proceeding. “ Oh, Shame ! where is thy blush ? ”

Now for the *suppressio veri*. The Secretary of the Board of Control quoted from a book the words of Captain Grant Duff against the Raja ; the Deputy-Chairman also referred to the same words, and did all in his power to strengthen the house in the belief that Captain Grant Duff believed the Raja to be a man likely to do the things imputed to him. It will be in the recollection of those who hear me, that I had occasion, in 1842, when I was dissecting Mr. Willoughby’s report of the Sattara Commission, to expose the *suppressio veri* of that report upon this very point. Mr. Willoughby in his report, now open before me, says, “ We also learn from the best authority (mark the words, *best authority*,) that at the time the present Raja was established on the Sattara throne, both HIMSELF and his family”—then comes Mr. Willoughby’s citation—“ entertained the most extravagant ideas, and that their expectations were proportionate, so that for a time the bounty they experienced was not duly appreciated. Grant Duff’s History of the Mahrattas, vol. iii. p. 483.” Mr. Willoughby then goes on to say, “ Perhaps in this passage *a key* to his highness’s conduct may be found.” Sir, we shall presently see whether this key was a true or a false key. The real key supplied by Captain Grant Duff, or the fraudulent invention of Mr. Willoughby. I think I shall show that it was a false one, made to rob the Raja of the jewel, reputation. The general dishonesty of that report led me to suspect the fairness of this quotation, and I determined, therefore, to get the book. I did get it, and I have kept it ever since, and it is here to-day ; here in my hand at this moment. I will now turn to page 483, and read you what the *author* says. Remember, Mr. Willoughby expressly makes the writer affirm that the Raja HIMSELF entertained these opinions and feelings, and that in this passage may, perhaps, be found a key to his subsequently alleged misconduct. You shall now

see that this key was a most wicked fabrication of Mr. Willoughby's. What says Grant Duff: "The Raja Pertaub Sing was in his 27th year, naturally INTELLIGENT and WELL-DISPOSED, but bred amongst intrigues, surrounded by men of profligate character, and ignorant of every thing except the etiquette and parade of a court." Here is a full stop. So much for the Raja. "His whole *family* entertained the most extravagant ideas of their own consequence, and their expectations were proportionate, so that, for a time, the bounty which *they* experienced was not duly appreciated." Need I dwell upon the dishonesty of this transaction of Mr. Willoughby? Need I say anything to increase the disgust you must feel at the mingled falsehood, cruelty, and malignity of this proceeding? Is not the quotation as complete an instance, both of the *suppressio veri* and the *suggestio falsi*, as is to be found on record? Nay, is it not a *direct* falsehood, since Captain Grant Duff distinctly separates the Raja from the rest of the family, speaking of *him*, as intelligent and well-disposed, and putting a full stop between *him* and others? Does not the one sentence refer to the *Raja*, and to *him* exclusively; and the other to his *relatives* and to *them* exclusively? Is there any such a word as "*himself*" here? But turn to page 492, and see additional proof of the *suppressio veri*. "The Company," says Captain Grant Duff, "charged itself with the defence of the Raja's territory, which, for a time, was to be governed under an agent of that Government (Captain Grant Duff himself), until the Raja and his people were made acquainted with business. The Raja himself was taught to expect power according to his ability to exercise it, and *in a short time laboured as assiduously as any carcoon under his Government*. The entire powers of the state were delivered over to him on the 5th of April, 1822, at which period the boon thus conferred by the British nation on the descendant of Sevijee was certainly *appreciated* by the country generally, as well as by his relations and *himself*." Here we find the word "*himself*" coupled with an encomium, but not a word of this in the report. Such is the language of this able author, who is here recording his own experience while writing his history of the Mahratta nation. Now can it be believed that the Deputy-Chairman of the East India Company

would stand up in the House of Commons and confirm the truth of this garbled and false passage, when again quoted by the secretary of the Board of Control!

Mr. HOGG here rose and, addressing Mr. Thompson, said, You are quite in error respecting the extract which was read by my friend, Mr. Emerson Tennent, in the House of Commons. It was not the passage you have now referred to, but a part of a letter addressed by Captain Grant Duff to Mr. Elphinstone, on the 28th of March, 1819. If you will permit me I will read the extract. It is as follows:—

“Opposed to the Raja’s good qualities, he is very sly; and this he mistakes for wisdom. Some of the intrigues and tricks he mentions having practised during his confinement, prove that he is an adept at dissimulation. He has certainly great excuse for this; but it has given him a taste for intrigue, and unfortunately this dangerous propensity is a weakness in which he is easily flattered.”

This is the extract read by Mr. Tennent, and when I rose, it was to this extract that I referred. This was the passage then present to my mind.

Mr. THOMPSON.—That then, Sir, is the passage quoted in the House of Commons? Do I understand you aright?

Mr. HOGG.—Yes, it is taken from a letter dated 1819.

Mr. THOMPSON.—Then I stand corrected, and withdraw my remarks as far as they relate to the Deputy-Chairman, in connection with the extract made by Mr. Willoughby; but let me come to this very extract which has been now read, as the extract used against the Raja in the House of Commons; and let me prove that in this case, as in the former, there was the *suppressio veri*. The letter, from which this extract is made, is on page 503 of the Parliamentary Papers, and the clause quoted, is on page 506. The letter itself is a long official report to the Hon. Mr. Elphinstone, respecting the affairs of Sattara, and the conduct of his Highness the Raja, during the few months that he had been upon the throne. I will now quote from the *same* letter, from the *same* page, and my quotations shall be the paragraphs *immediately preceding* the passage read in the House of Commons, and just read in your hearing; and then I will put it to those here assembled, whether a

more gross injustice was ever perpetrated towards an absent and defenceless man, than that of putting this isolated sentence before the British Legislature, as Captain Grant Duff's complete and faithful portraiture of the Raja's character. Let it be remembered, too, that the Deputy-Chairman had the letter from which this extract was made *in his hands at the time*, and had, therefore, the means of placing the *whole truth* before the House. Let every word I am about to read be weighed, and say whether this extract, when fairly made, is not a more genuine key than that of Mr. Willoughby. Do not, I entreat you forget, that this is the *first* report of Captain Grant Duff on the subject, and relates to the Raja's conduct during the few short months of his emancipation from profligate companions, and all the corrupting influences of a state of close confinement in a Hindoo domestic establishment. The Political Agent at Sattara, thus writes to Mr. Elphinstone:—

“ At all times, when I have had occasion to ask explanation of anything that appeared improper, *the Raju has shown a very uncommon degree of candour*. I have never discovered his having told me a direct falsehood, although he has several times acted contrary to my injunctions, and when I knew it must have cost him an effort to avow what he had done; on the whole *his disposition*, for a native, *is remarkably good*. He is *really grateful* for what our Government has done for him, and at present *I do believe fully intends to act at all times as he may be advised*; unfortunately, however, he has a worthless set of people about him, so situated as not to be displaced. After some months' intercourse, *I found no difficulty in obtaining his confidence* (partially, of course,) and he has frequently told me things which I should otherwise never have become acquainted with.”

“ He is naturally anxious to get the management of the country into his own hands; this he frankly tells me, but *he as readily admits that he has not sufficient experience* for the task. He often asks when you are coming, and when the treaty is to be made: the other day, on my return from Poonah, I told him of such particulars of the plan in agitation as you thought I might safely communicate. He said *it was exactly what he wished*, and that *I should see how soon he would learn everything*.”

“ On one occasion, two or three months ago, when Wittul Punt was

the only person present, the Raja made a long speech, in which, after expressing *the great gratitude he felt* for the favours conferred upon him by the British Government, *he disavowed all his late fanciful notions* of being considered King of the whole Mahratta nation ; that, emancipated as he had just been from confinement, and placed by you upon his gudee (or throne, as he still would term it,) he looked upon himself as much the founder of a new state as Sivagee had been ; that, *following the advice* of his allies and protectors, the English Company, *he would learn to govern his country with justice, and never draw a sword, but to preserve the cause of order, or to act in alliance with his friends,* as you and the Most noble the Governor-general might direct ; he concluded by begging that when the treaty was made, it might be expressly mentioned that he was to *be allowed to correspond with you and me all his life wherever we might be.* This I replied to by commending his GOOD SENSE, and the EXCELLENT AND WISE RESOLUTIONS he had formed."

Then follows the short passage read in the House of Commons. As for the slyness and dissimulation there referred to, as the bad qualities of the Raja, I may observe, that I have heard them ascribed to those who sat not far from the Deputy-Chairman at the time this quotation was made ; and I think, when the passages I have brought forward are duly pondered, these qualities will henceforth be considered the leading features in the composition of one who is not far from me at this moment. But let no one, therefore, believe that they would justify a suspicion of treason. The Raja was dethroned and his brother APPA SAHIB was, by Colonel Ovans and Sir James Carnac, enthroned in his place. On the very next page of Captain Grant Duff's letter, I find a Description of this man also. I will give you the entire paragraph, and leave you to judge what the British Government and the people of Sattara have gained by the change.

"The name of the (Raja's) younger brother is Sevajee, familiarly, APPA SAHIB ; he is an OBSTINATE, ILL-DISPOSED LAD, with VERY LOW VICIOUS HABITS, which ALL THE ADMONITION OF THE RAJA (*the dethroned prince*) cannot get the better of ; he is married to the daughter of Mannajee Raja Mank, of a different family from that of Kooshaba Raja."

“ Look here, upon this picture, and on this,  
 The (genuine) presentment of two brothers.  
 See what a grace was seated on his brow :  
 Where every god did seem to set his seal,  
 To give the world assurance of a man.

\*            \*            \*            \*

Now see the other ; like a mildew'd ear,  
 Blasting his wholesome brother. Have you eyes ?

\*            \*            \*

What Devil was't,  
 That thus hath cozen'd you at hoodman-blind ? ”

The exiled Pertaub Sing pines in captivity at Benares:—Appa Sahib sits upon the throne of Sattara, protected by the British Government, in the enjoyment of the fruits of fratricidal treason !

I deem the falsification of these records too serious a matter to be dismissed without a few additional words. Here we have two quotations ; the first made by Mr. Willoughby, the second referred to by Mr. Hogg. One, absolutely false, inasmuch as that was made to apply to the Raja, which I have demonstrated, was applied exclusively to others, and applied to them after an explicit commendation of the Raja, which commendation was omitted. The other is a quotation, alluding to the tricks and petty intrigues of the Raja's youth, and stands in immediate connection with a most honourable testimony to his every-day actual conduct. Now these are put forward to prove that the Raja was, in 1819, a sly, dissimulating, extravagant, and intriguing man ; and that in 1836 he was but more fully developing the propensities he had always cherished. Now these quotations are part and parcel of statements, which, taken as a whole, prove that the Raja was a noble example of a man brought up under the most disadvantageous circumstances, conquering alike his latent evil propensities, and the habits which he had been led to form during the period he had lived amongst the most injurious associates. When his real conduct, and the actual *substratum* of his character are referred to, he is described as—naturally intelligent and well-disposed—as labouring with the assiduity of the meanest clerk under his Government, to acquire a



knowledge, together with the habits of business—as exhibiting a very uncommon degree of candour—as avowing his faults, even when it cost him an effort to do so, rather than descend to falsehood—as acting at all times as he was advised—as readily giving his confidence to the Resident—as spontaneously admitting his own want of experience—as cherishing a strong feeling of gratitude towards the British Government—and, as expressing his determination to rule with moderation and justice, and never to draw the sword, except in the cause of order, and in alliance with his friends. Having for twenty years so acted, as to prove to the whole world that the character here given of him in the first year of his escape from thralldom, was a just one, he is at last, in 1845, branded by the Deputy-Chairman as an intriguer, an adept in dissimulation, and a traitor to his allies; and the words of Captain Grant Duff, descriptive of the foibles of his youth, are quoted to deepen and confirm the stigma. Had Captain Grant Duff been correctly quoted, instead of a feeling adverse to the Raja being created, there would have been one general sentiment of respect and admiration. What think you, then, of the British Legislator, now sitting before you?

Let me give another instance of the *suppressio veri*. I have a copy of *Hansard's* report before me, containing the debate in the House of Commons on the motion of Mr. Hume. The Deputy-Chairman's speech is here, carefully revised by himself, so carefully that in reporting his denunciations of agents employed in behalf of native princes, the *repetition* of the denunciation is omitted, the "curses" are omitted, and the word "paid" is omitted; and they are now merely "agents," and described not as the "*curse of India*," but as the *bane* of every native power by whom they are employed. There is certainly no *suppressio veri* here, it is an emendation as far as it goes, and is to some extent the *suppressio falsi*. Well, in this speech, General Lodwick is brought forward to condemn the Raja. Those who have heard General Lodwick here will scarcely believe this, but so it is. Here is the passage (page 22.) I will in justice to the Deputy-Chairman quote it entire. "His honourable friend, the Secretary to the Board of Control, had read a letter from Captain Grant Duff so early as March, 1819, showing that the Raja was addicted to intrigue, and was a complete adept in dissimulation.

General Briggs, when addressing the Government, states that he is tenacious of his prerogative, and is daily becoming more impatient of our control, and expresses his apprehension that he may be detected in intrigues which may lead to his ultimate ruin. *General Robertson states that he knew of the Goa Intrigue*, and General Lodwick, the fourth and last political Agent, when addressing the Government on the 18th of August, 1836, says,—

“That his Highness, the Raja, is ambitious, and capable of giving countenance to any conspiracy, that has the advancement of that object in view, I have no doubt. So far back as November, 1835, a devoted friend of the British Government privately reported to me that the conversation between His Highness and his particular intimates constantly hinged on the downfall of the British Government. He further mentioned, that there were rumours of a combination, to join which His Highness was invited—adding that he very possibly might be flattered into acceding to the plot. Nothing short of *the high respectability of my informant* could have induced me to give a moment’s credit to their report.”

Again, on the 9th of September, he says,—

“That it was beyond doubt that the Raja had proved faithless to his engagements with the British Government;”—

And on the 10th of September, he writes,—

“Deeply as I regret the errors of His Highness, the Raja, I can discover no extenuating circumstances;”—

“And he subsequently reported to Government that the Raja had gradually increased the troops in his service, and even suggested to Government the expediency of sending additional troops to Sattara; and lastly, General Lodwick was so apprehensive of the consequences that might arise from the unauthorised communications of the Raja, that he told him that the fate of Bajee Rao would be his own. *Such, were the opinions of these officers, when on the spot, and in the execution of their duty.* He admitted, with the honourable Member, that they have subsequently expressed opinions of a different character, and most favourable to the Raja; and he hoped he need not add, that he (Mr. Hogg) gave these gentlemen full credit for the sincerity of the opinions which they expressed; but he was bound to say, that

he attached more weight to opinions given deliberately under the pressure and responsibility of public duty, than to sentiments expressed when the case of the Raja had become the subject of excited, and rather angry discussion." Now, gentlemen, let me come to facts in reference to these extracts from General Lodwick's despatches. First, mark the dates—the 18th of August, and the 9th and 10th of September, 1836. Bear these dates in your mind. On the 22nd of July, General Lodwick forwarded to Government the depositions of the two native officers, who swore that they had been tampered with by Govind Row, as agent for the Raja. General Lodwick believed those men at that time. He coupled their assertions on oath with the private report of the "devoted friend" to the British Government, here spoken of. That devoted friend and highly respectable informant, was Ballajee Punt Nathoo. Doubting at the time, neither the Soobadars nor Ballajee Punt Nathoo, General Lodwick wrote as he did. The letter on the 9th of September was a private note to Sir Robert Grant. It was written the very hour that General Lodwick took the second depositions of the Soobadars, in which they declared that the night before, they had had an interview with the Raja, at which he had avowed treasonable designs. General Lodwick believed their story, and wrote as he did. His letter of the 10th was his official report to Government; when, still believing that the Raja had acted as the Soobadars had described, he wrote as he did. Here the Deputy-Chairman *leaves off*, and here I *begin*.

Before the Commission was appointed, General Lodwick received a private paper of hints, from the Governor Sir Robert Grant, instructing him *how to entrap the Raja*. The job was a base one. General Lodwick felt his honour, as a gentleman and British officer, insulted by the proposition, and spurned to execute his loathsome commission. General Lodwick wrote again and again to Government, to say that he could discover no trace of a plot; but he was told in reply, that the Raja had *already* been reported guilty to the authorities at home, and that the affair could not be quashed. The Commission was appointed; it consisted of Willoughby, Ovans, and Lodwick. General Lodwick entreated the Government to allow the Raja to have a vakeel, or agent, present—the Bombay Government refused. The

soobadars were examined ; they perjured themselves. Untajec was examined, and confessed that he had got up the affair to be revenged on the Raja, for the non-payment of a demand. Cooshia Maloo was proved also to have been actuated by malice. The brothel-keeper, Purushram, was the nephew of the villain, Untajec. Ballajee Punt Nathoo, who gave his evidence in disguise, was guilty of prevarication on the spot, and has subsequently been proved guilty of perjury. General Lodwick was prevented, though on the Commission, from cross-examining the witnesses. At the close of the proceedings he refused to sign the report drawn up by Mr. Willoughby. He was induced to do it as a matter of form, and because instructed by the Government to yield to the majority. He was called upon to give up the notes he had taken during the sitting of the Commission ; he declined ; he was persuaded, he gave them up, and they were destroyed by Willoughby and Ovans. At the close of the proceedings Mr. Willoughby exultingly exclaimed, " We shall now see what will be done to the pet Raja." General Lodwick declared, when the minutes of the Commission were forwarded to Bombay, that the evidence was worthless. He afterwards remained, from October, 1836, until June, 1837, a witness of the Raja's most honourable and prince-like conduct. He was then removed, that Colonel Ovans might prosecute the matter of Girjabae's petition. " The reign of terror," says General Lodwick, " then began." On reaching Bombay he memorialized the Court of Directors. He then stated, that those very rumours mentioned in the paragraph quoted by Mr. Hogg, were unfounded, and proceeded from Appa Sahib, through Ballajee Punt Nathoo. He denied, also, the truth of the report, which he had made, upon hearsay evidence, of the raising of new troops by the Raja. In fact, the man who will read with attention the evidence of General Lodwick, will see at once into the origin, the mystery, and the object of the whole plot ; and will find it demonstrated, that the most culpable parties were the functionaries of the British Government. But then, to get rid of these statements, it is insinuated in the House of Commons

that they were made in the heat of an excited and angry discussion. The *suppressio veri* again. General Lodwick's memorial was written at Bombay in 1837. His other letters to the directors were penned in the retirement of the country, here. They were calm, deliberate, *official* documents. Those quoted in the House of Commons were written confessedly *in error*. After the full proof of that error came before General Lodwick, he did all that an honourable, conscientious, and Christian man could do to repair the unintentional injury. Most strenuously did he labour to bring the Directors to a sense of justice; nobly declaring in his memorial of December, 1837, that his own wrongs he regarded but as dust in the balance, in comparison with obtaining justice for a prince, whose conduct had been so transparent and above suspicion; that for eighteen years there had never been in the Residency at Sattara a fragment of secret correspondence—so intimate was the connection between the Sattara state and the British Government. Now, what shall we say of one, who, with the full knowledge of all these facts, brought officially before him as a Director of this company—who has heard General Lodwick declare where I now stand, that to the latest hour of his life he should regret having signed the Report of the Commission, without a protest against its contents—who, from the written memorials and letters of that officer, as well as the able speeches of that officer in this Court, (delivered with an earnestness of generous feeling in behalf of the Raja, that was as honourable to him as it was convincing to us,) must have been aware that those letters of August 18th, and September 9th and 10th, were repudiated and bitterly repented of—who, nevertheless, takes them down to the House of Commons, and reads them as deliberate opinions founded upon accurate information, and worthy to guide the judicial decision of the last court of appeal in the cause of injured innocence! What think you of such a man, and such a legislator?

General Briggs is named as a witness against the Raja, and is brought forward in the House of Commons as such. A word regarding him. From the beginning to the end of these dis-

cussions, our opponents have never failed to cite a paragraph in one of my gallant friend's despatches to the Bombay Government, many years ago ; and, when I attended the debate in the House of Commons, I felt almost certain I should again hear it referred to. Now, what I am about to state, will I trust for ever prevent the repetition of this stale quotation. I am sure my friend General Briggs will thank me for stating, what I know it was his intention to make known to this Court, but which he has been prevented, through a lapse of memory or a want of time, from doing. Not previously prepared to pronounce the information upon which he formerly wrote that paragraph, false, he refrained from noticing the frequent allusions to it in the course of these debates, while at the same time he deeply regretted that anything he had written so long ago, should be used to the injury of the Raja, instead of tangible evidence upon the specific charges brought against him. He is now prepared however to state, that his recent sifting examination of the evidence connected with the Goa plot, and above all, his detection of the machinations of the Swamee of Sunkeswhur and his agents, has revealed to him the proof, that the intrigues alleged against the Raja were in reality the intrigues of his enemy the Swamee ; and that his informant, the Brahmin Abba Josee, was the confederate of Ballajee Punt, and of his holiness the Swamee, and that they were, even at the time he, General Briggs, wrote, actively engaged in those intrigues, in which, owing to the credulity of some, and the dishonesty of others, the Raja was subsequently implicated. In a word, General Briggs is prepared to say that he was imposed upon, and that if he had to write that dispatch over again, with his present information before him, he would not only omit the paragraph referred to, but lay bare that Brahminical conspiracy with which he is now so perfectly acquainted. I speak in the presence of General Briggs, who will correct me if I have made an inaccurate statement. Let us then hear no more of the report of General Briggs, but when his name is mentioned in the House of Commons, let it be done with honour, as the masterly expounder of the riddle of the false seals.

I find the name of General Robertson mentioned as a witness against the Raja in the House of Commons, and in connexion with the Goa plot. This is really "too bad." If I were to answer this, I should have to read three-fourths of that gallant gentleman's speech, delivered in this Court on the 16th of July, 1841, which, like the speech of my friend, General Briggs, was an unanswerable argument, though on different grounds, in proof of the falsehood of the charge against the Raja. In that speech, too, General Robertson, I believe, notices the very fact referred to by the Deputy-Chairman; but only to say, that the rumour which he heard at the time he was Resident, was, on inquiry, found to be unworthy either of credit or notice. Who next shall we have dragged into the House of Commons to condemn the Raja?

Mr. Hogg rose, and said it was unfair on the part of Mr. Thompson to make a speech upon what he (Mr. Hogg) had said in the House of Commons, seeing that there would be no opportunity for him to reply. Mr. Thompson seemed to have waited purposely for his present opportunity.

Mr. Thompson said it would have been well if Mr. Hogg had remembered, when he was in the House of Commons, that the parties he then referred to had no opportunity of replying to him. But as Mr. Hogg objected to his going farther into his speech in parliament, he would, though he had marked many other passages, confine himself in what he might say further, to what had fallen from that gentleman's lips the day before, in the Court of Proprietors. Mr. Thompson then continued:—

I now come to the *suppressio veri* in the case of Govind Rao's confession. We have heard from the Deputy-Chairman's own lips the unqualified assertion, that the confession of Govind Rao was not only *voluntary*, but *VOLUNTEERED*. My friends who have preceded me in this debate have left me little to do in the way of exposing the absolute untruthfulness of this declaration. At the time it was made, the Deputy-Chairman had the official documents before him, proving that Govind Rao was sent to Ahmednuggur for the express purpose of being there made subservient

to the ends which Col. Ovans had in view, in reference to the petition. He had the proof before him, that the confinement was to be strict, that it was to be solitary, that the prisoner's letters were to be quietly intercepted by the judge and sent to the Government. He had the proof before him, that Sukharam Bullal, the convicted liar, deceiver, and perjurer, was sent on a special mission to Ahmednugger to drag this confession from the prisoner—that emissary being previously most intimately aware of all that was going on at Sattara. He had the proof before him, that that arch tempter was for sixteen days in close communion with the prisoner in his dungeon, before the scrap of paper containing the unintelligible jargon called the confession, was obtained. He had the proof before him, in the shape of a letter from Mr. Hutt, dated the 24th of August, 1837, that that confession was not seen by Mr. Hutt, until it was placed ready made in his hands, with the assurance that it had been written by Govind Rao himself—an assurance that would have been ridiculous, if the confession had been made, as the Deputy-Chairman represented, both here and in the House of Commons that it was made, in the presence of Mr. Hutt himself. He had before him, also, the two really voluntary declarations of Govind Rao, made since his three years' captivity, that that confession was extorted; and yet, in the face of this accumulated and irresistible evidence, the Deputy-Chairman, a lawyer and a legislator, could gravely tell us that the confession of this man was voluntary and volunteered!

Now, for the *suggestio falsi* in the case of Mr. Hutt. I put it to those who hear me, and were present previously, whether, if a stranger had entered the Court yesterday during the Deputy-Chairman's speech, he would not have concluded that a foul and calumnious attack had been made upon Mr. Hutt. (Hear, hear.) "No one," said the hon. gentleman, "however high in authority, has ever given an opinion contrary to the views of the party in this house, who call themselves the friends of the Raja, but he has been vituperated and calumniated. Why should poor Mr. Hutt expect to escape? He did not escape. They immediately



fasten upon him, and say, You have made yourself the base tool of the Bombay Government."

Mr. HOGG.—You are not correctly representing what I said.

Mr. THOMPSON.—I beg your pardon, sir, I took down your words at the time, and I am too familiar with controversy and debate to doubt the accuracy of my own record. You charged us with saying, that Mr. Hutt had made himself a base tool; and with a burst of well feigned indignation, you proceeded to the vindication of Mr. Hutt, and to the reading of his letter, written in 1845. Now, sir, in the first place I deny the general charge, that we have vituperated and calumniated every person who has taken a different view of this case from ourselves. Have we ever abused Lord Auckland? Never. Have we ever abused any of the members of the Supreme Government? Never. Have we ever said anything worse of any other persons high in authority, than that they were misled and deluded by the conspirators who hatched the plot against the Raja? Never. Why then all this fuss about nothing? Why this fighting with giants of your own creation? And, then, with regard to the specific charge of calumniating Mr. Hutt. I defy the hon. gentleman to refer to any one syllable ever uttered in this Court, reflecting in the slightest degree upon the character or conduct of that officer. On the contrary, he has always been mentioned with respect, as a person who showed the prisoner under his charge all the indulgence in his power. I challenged the Deputy-Chairman at the time, to produce his proof of the charge he brought against us; but he declined, and went on with his vehement declamation, upon a perfectly groundless and imaginary accusation. Now, this I call a glaring instance of the *suggestio falsi*. It would have been far better for Mr. Hutt, if the honourable Deputy-Chairman had left him alone. What he said, led my learned friend to institute a comparison between Mr. Hutt's letter of 1845, and Mr. Hutt's letter of 1837; and lo! it appeared that the facts stated in the latter, were utterly at variance with those stated in the former—the former, be it recollected, written on the very days when the occurrences to which they relate took place. I will not,

again, go over those utterly irreconcilable statements, but merely say, that I prefer the official letters written at the time, to the letter written from memory, after a lapse of five years : and I will venture an apology for Mr. Hutt—acquitting him, as I sincerely do, of all intention to depart from the truth. My apology for him is this ; that when called upon at the beginning of the present year to answer the letter of the Bombay Government, he had not before him his letters of 1837, and that, in endeavouring to recall the events of that year, he, from pure inadvertence, fell into the errors which the learned sergeant so acutely discovered, and so ably exposed. But what shall we say of the Deputy-Chairman, who grounded all he had to say upon this last letter, when he had the whole of the documents, written at the time, before him ? His conduct is like that of a judge, who should take the vague recollections of a man, in reference to the state of his accounts five years before, in preference to the evidence of his cash-book, day-book, and ledger, at the time. And yet, such a man is a lawyer, and our Indian authority in the House of Commons !

I must notice another unsupported assertion made by the Deputy-Chairman, and it was a most monstrous one, as indeed all his assertions were. He said that Krushnajeel, finding that his seven petitions to the Bombay Government were of no avail, determined to try another experiment, and therefore went off to entrap Mr. Warden. Imagine a poor and friendless Brahmin, opposed by Ballajee Punt Nathoo, Colonel Ovans, and the whole of the Bombay Government, going to entrap an English judge. Let us see how he baited his trap to catch this functionary. He sent him a list of charges of the most clear, explicit, and particular kind. Did the judge at once act upon these ? No. He said to the accuser, “ You must send me a list of the witnesses and proofs you are prepared to bring forward in support of every allegation you have made. When this list is before me, you shall hear further.” What did Krushnajeel do ? Anticipating, that at length there would be a judicial investigation, he went to Sattara, and was for four months occupied in preparing that schedule of evidence, which occupies three folio pages of

the printed papers now before us. And here, let me answer an inquiry boastingly made by the Deputy-Chairman, when he exclaimed, "Why were not the charges against Colonel Ovans preferred before?" I will tell him. It was while Krushnajee was in Sattara, collecting his evidence, that he first heard of these facts against Colonel Ovans. I will tell him more,—that at the times when those charges were made, and that schedule of evidence was sent in, the Raja of Sattara, and many besides him, were groaning under the domination of Ovans and Ballajee Punt Nathoo. The Raja found he was a helpless puppet in the hands of the Brahmin and the Resident. He saw his revenues wasted to gratify the avarice of the Brahmin and his minions, and he would have been most happy to have shaken off the yoke, and to have aided in the development of the frauds that had been committed. It is my firm conviction, arrived at upon no insufficient grounds, that had a proper inquiry then taken place, not only would the charges against the parties named have been substantiated, but there would have been such a revelation of affairs, as would have been most inconvenient to some other persons who have not yet been brought before this Court. But to return to Krushnajee's attempt to entrap the judge. He sent in his list of proofs. What then? He was ordered to appear before the judge at Poonah. Did he go? He did. What then? Mr. Warden put the man upon his oath, and said, "Tell me what you know, of your own knowledge, of the things stated in your list of charges." What is the reply of the man who sought to entrap the judge? On his oath he says:—

"I HAVE SEEN some of the accounts of the Punt Sucheo, *with entries in the name of Ballajee Punt*, to which I allude, and will prove my assertions through them, and the depositions of his managers. The two villages, fraudulently taken by Nathoo, are in the purgunnahs of Moosekhore and Moontekhore.

"The entry of 6,000 rupees in the accounts of Babboo Row Pundit, to the debit of Ram Row Survotum Ammatya, I HAVE SEEN, and I will prove by *witnesses*, that Ballajee Punt Nathoo *got the money*.

“ I HAVE SEEN the entry of 16,000 rupees in the accounts of Gopal Row Kannaday, to the debit of Ramchundur Rao Dufflee, and I will prove by *witnesses* that Ballajee Punt Nathoo *got this money*.

“ I HAVE SEEN the entry in the accounts of the Punt Muntree of 500 rupees, to the debit of Ballajee Punt Nathoo ; let them be brought.

“ The remainder of the information brought forward by me, *I will prove, by documentary and oral evidence, and hold myself liable* for a failure therein, PROVIDED THE RESIDENT DO NOT REMAIN AT SATTARA, *pending the inquiry.*”

In reference to the charges against Colonel Ovans, he says, “ My witnesses shall be the present minister of his Highness, Appa Sahib, the Raja, and two other persons of influence in Sattara.” Now the minister, called as a witness, was a man of Colonel Ovans’s own selection, and the other two were parties who had always previously been in the confidence of, and acting with Colonel Ovans himself. What, then, did the judge do ? He said to the accuser, “ Before this inquiry is entered upon, you must give security to remain within British jurisdiction pending the issue of the trial, and render yourself liable to two years’ imprisonment if you do not substantiate your accusations.” “ I will do so,” was the reply, and forthwith himself and a friend enter into the required recognizances. Now, gentlemen, this is what a lawyer and a legislator calls trying an experiment to entrap a British judge !

I will now gather up the fragments that remain, and conclude. A gallant gentleman opposite, took me to task for what he called an attack upon Colonel Ovans in his absence, and to make his charge against me the more impressive, he favoured us with a little Latin :—

“ Absentum qui rodit amicam  
 Qui non defendit alio culpante—  
 Hic niger est ; hunc tu Romane, Caveto.”

CAPTAIN RANDALL.—Which you do not understand.

Mr. THOMPSON.—That was spoken like an officer and a gentleman, and is an observation which does you much credit. Without professing to understand it, however, I can manage to reply to it. I have acted towards Colonel Ovans the part of an open and honourable accuser. I have duly notified him of my intentions ; I have sent him everything I have said respecting him ; and I have done all I could to induce him—even to provoke him—to meet me face to face in this Court. If the charge of cowardice may be justly brought against either party, I fearlessly leave it to my hon. opponents in this Court to say to whom it is applicable. The world will judge who is the coward, when they read my statements, made in the city of London, and within a sixpenny ride of Westminster-hall, and know to what consequences I expose myself if my charges are groundless. Sir, I do not hesitate to say, that if I have not truth and justice on my side, I am a foul and infamous calumniator, and utterly unworthy of being listened to in this Court. But how is it, let me ask, that I am thus permitted to reiterate my charges with impunity, and to print them, and to send them as I do over the face of India ? My question is pregnant with meaning. Let Colonel Ovans and his friends answer it, and let the world draw the inference.

One choice morsel fell from the lips of the valiant defender of Colonel Ovans, who is opposite, and who is just now in a recumbent posture. (Mr. Weeding, who was stretched upon the seats, here jumped up, amidst much laughter.) He said, that he wondered my honourable friend Mr. Sullivan, had not more of the true *esprit de corps* than to be found in opposition to any of his old fellow-servants ! This is plain speaking with a witness ! Here we are, sitting in grave deliberation upon the conduct of parties concerned in the dethronement of an Indian Prince, and one of the judges in this case turns to another, and he says, “ Really, my learned brother, I wonder that you have not more of the *esprit de corps*, than to express your honest opinion upon the evidence before you.” Well, if the utterance of such a sentiment as this does not do that gentleman’s business for him, I know not

what will. He also said—that if it were possible to demonstrate the Raja's innocence, it ought not to disturb the decision already given. So says the Deputy-Chairman. "Once right, right for ever—once wrong, wrong for ever." I will venture to say, that if the home-secretary, or the prime minister of England, were, either of them, to act upon this maxim in the case of a transported felon, whose innocence could be proved, he would be driven from his place by the just execrations of the British people.

An amendment has been moved upon my resolutions, to the following effect: "That there is *nothing* in the papers recently printed, *which induce* the Court of Proprietors to depart from their resolutions of the 13th of February, 1840, the 20th of July, 1841, and the 18th of June last." I think this amendment would read better, if the Secretary would infuse a little of Lindley Murray into it. (Order, order!) Really, gentlemen, I think I might be permitted to say a word about the grammar of this resolution, which it strikes me is about equal to its truth and justice. The papers prove, that forgery, perjury, subornation and personation, have been among the means employed to dethrone the Raja; but the Chairman moves that there is *nothing* in these things to lead the Court to grant an inquiry, or to induce this Court to allow the unhappy exiled Raja to be heard in his defence. Sir, I cannot for a moment believe that you are aware, that the direct tendency of these reiterated amendments is, to sink this Court into an unfathomable depth of infamy. Sir, when an enlightened people shall read the debates that have taken place here, since January, 1840—when they shall come to a knowledge of the fact, that almost every man who has rendered a reason for his conduct, has been an earnest advocate on the side of the Raja,—when the evidence that has been brought forward in this house, shall be calmly reviewed, and it shall be found to amount to a moral demonstration of the perfect innocence of the Raja; and the almost unprecedented perfidy of his accusers—I say, when this shall be, and come it will, the majority of this Court will be held to be the enemies of their species, and the most shameless violators of the inalienable and

indestructible right of man—the right to a hearing when accused of crime. (Order.) You say, in this amendment, that the papers recently printed contain NOTHING TO INDUCE YOU TO GRANT AN INQUIRY! Can you be serious? Is it possible, that there are at this moment some twelve or fifteen Directors prepared to vote in the affirmative on this resolution? Is it so? Then permit me, with all possible solemnity, to remind the gentlemen on this side of the bar, that they, as Directors, are upon their oaths. Yes, gentlemen, you have each of you an oath in heaven. (Order, order!) Is it not so? Has not each Director sworn upon the Gospels, that he will act justly, indifferently, honestly, and equally, in the discharge of his duties towards all manner of persons? I put the question home to the conscience of every Director here, and I tell him, that however rife perjury may be in India, the violation of an oath is not regarded as a light matter in this country. (Loud cries of Order!)

I have done—but only for the present. The waters of the Thames shall flow backwards from London to Oxford, ere I will cease to agitate this question; a question, which has now ceased to be one affecting the claims of an individual, and has become an all-important and sublime conflict for the maintenance of *the right to be heard*. Vote as you will, here—there is a jury beyond these walls—and to that jury I appeal. (Loud cheers.)

On the conclusion of Mr. Thompson's speech, a division took place; when there appeared for the original resolutions, 14; against them, 32. The Chairman's amendment then became the substantive resolution. Whereupon Mr. Lewis formally proposed his amendment.—“That it is the opinion of this Court, that the papers now before it, containing the charges and the evidence against the Raja of Sattara, be submitted to him, and that he may have an opportunity afforded him of being heard in his defence.” On the question being put,—

Mr. SULLIVAN rose and said,—Having already supported the original motion, I am anxious to state briefly the grounds upon which I am induced now to transfer my support to Mr. Lewis's amendment upon the motion of the Chair. I do so because the ten-

dency of the latter is to rivet the attention of the Court and the public to the object for which we are here this day. The simple question which that amendment calls upon you to determine is, whether you will, at this eleventh hour, afford that unfortunate Prince whom you have deposed, plundered, and banished, an opportunity of defending himself from those charges, under punishment for which he has been writhing for the last seven years? (Hear.) This is the proposition upon which you are now called upon to say "yea" or "nay;" and I put it to the conscience and understanding of every man, whether he has heard one single reason adduced in the course of the debate, which can justify him in putting a negative upon it. (Cheers.) I listened with great attention to the speech of the learned Deputy-Chairman. I admired its eloquence and its tact, but I was totally at a loss to know what he aimed at. (Hear.) He stated his premises elaborately, but shrunk from drawing a conclusion from them. (Hear.) He told us, Ballajee Punt Nathoo was white, and Krushnajee black; that Girjabae's petition was genuine, and Govind Row's confession voluntary; and that Colonel Ovans was an honourable man: but he did not dare to insult the common sense of his hearers by telling them that these were so many reasons for denying to the Raja the right of a defence. (Cheers.) We can afford to grant him every point that he contended for, without yielding one inch of our own ground. (Hear.) I must again remind this Court, that we are not assembled here to try the guilt or innocence of the Raja, or even to weigh the evidence of the witnesses for and against him. Our simple object is, to show cause why he should be heard in his own defence; why we are bound to redeem the solemn promise that was made, and,—as I must still maintain, though very averse to the use of strong terms—flagitiously broken by the Commission who were appointed for the express purpose of making an impartial investigation into the case, and who thought they fulfilled their mission by withholding from the Raja the only means by which it was possible for him to defend himself from the charges. They did this, as the Court will remember, upon the plea that the evidence was secret; but they took care to withhold their plea, until they had got rid of the Raja. They sent him away, under the impression that the evidence was to follow him; and they had no sooner got finally and for ever



rid of him, than they bethought themselves of the plea of secrecy. The evidence was secret to him only, who was punished upon it. And now let me remind those who complain of the interminable discussions on this subject, that the fault is not ours, but the fault of those who refuse to grant our most reasonable prayer. (Cheers.) All that has been so ably stated to-day about Girjabaec and Govind Row, Ballajee Punt and Krushnajee, and other outlandish names, would have been stated by the Raja himself, upon his defence, if you would have allowed him to make one; but, if you will not, we are bound to speak for him, and to show you how triumphant that defence would be, and how easily he could tear to tatters all the evidence that has been collected against him. (Cheers.) I was sure that the learned Deputy would not venture to meet us on the merits of the case. He has sought shelter, as usual, in the numbers of Governors and high authorities who have approved the Sattara proceedings; but I can follow him there, and show him, as I did upon a former occasion, that such authorities are not infallible; that years ago, all the authorities in India, supported by the authorities in this country, concurred in deposing the Raja of Tanjore, much upon the same grounds as they have since deposed the Raja of Sattara. That, nevertheless, they made a grievous mistake—that they were grossly imposed upon; but that they no sooner discovered their error, than they hastened to amend it; that they restored the Raja whom they had deposed, and set aside one who had by base means obtained his seat. The reasons which influenced the authorities on that occasion are particularly deserving the attention of the Directors and this Court.

When the Government of India determined to re-enquire into the Tanjore case, they recorded their reasons in the following words:—Adverting to the right of the Company to interfere originally with respect to the succession of Tanjore, it is observed, “that the same right called upon them, under existing circumstances, to review the whole subject, and that if it should appear that the decision of Government had been procured by imposition and intrigue, by which the legal heir had been deprived of his rights, a declaration to that effect, followed by his restitution, would be more honourable to British justice, and more calculated to promote our political character and interests than to suffer the continuance of an imposition obtained

at our hands by sinister and undue means. It would manifest to the world that the principle of British justice is ever true to itself, and that if those entrusted with its administration should be betrayed into error, (an event not impossible even from the integrity of their own minds,) when truth shall have made its way, the hour of retribution must come, and the honour of the British name be completely vindicated."

This was the language of your illustrious predecessors, for illustrious I must call these men who could so magnanimously confess that they had done a wrong, and so amply redress it; and I can only express my deep regret that their mantle has not fallen upon your shoulders.

Mr. Serjeant STORKS.—The important and solemn question now pending in this Court is one which deeply interests my feelings, and is one on which I feel called upon to give a vote, so conscientiously and honestly, that I may be able to reflect upon it with satisfaction, when I leave this place. Being, humble as I am, a member of this great Company, one great source of whose wealth, and one noble arm of whose power in India, is the justice of its government among the inhabitants of that great territory, I wish to ask a simple question, the answer to which may guide me to an equitable and righteous decision. I have come hither with no party motives, with no excited passions, with none of that ardent feeling which I have seen blazing out in one place, and breaking out more gently in another. Soberly and judicially, I wish to know how this question really stands? I have heard the charges upon the one side, and upon the other I have *felt* as well as *heard*, the vehement indignation that has been poured out, and the eloquence that has conveyed the noblest sentiments of English justice, and the purest principles of truth, while those charges have been repelled. I now wish to ask this question—To what extent are the concessions and admissions of the party on the other side, that is, the party for again confirming the sentence passed upon the Raja? Is it conceded, or is it not, that the Raja of Sattara has had an opportunity of making a full and unrestricted defence? (Hear, hear.) I wish to know whether it is conceded by you, the Directors, or not, that the Raja has had the opportunity of examining the witnesses, and, with the spirit that he

might feel, and the sense of justice or injury that might have operated upon him, has had, or has not had, the opportunity of facing his accusers? I wish to know whether it is matter of inference merely, that the commission was secret or open; or whether it is established by incontrovertible evidence that it was secret and inquisitorial, and that the Raja of Sattara, a prince of India (a subject I do not call him), has been hurled down, even from a throne, without having, what belongs to the meanest, basest, and most degraded of human beings—a fair trial? (Cheers.) I ask, has there been accorded to him that which is the right of the most reptile English subject? Let me have an answer to that plain question: let me hear a bold, a manly, a candid, and unsophisticated statement—to what extent the concession is on the other side, relative to the allegation that the Raja has not been heard. (Cheers.) I wish to sustain the power that has been concentrated in this place if I can do it, and be still an honest man; a power which has been associated with the greatest talent, with the noblest qualities, with the most glorious heroism; a power which has gone on growing, and increasing, and extending, until it has reared from the smallest beginnings, the greatest empire that the sun ever shone upon, and governed it to the admiration of the world. I should rejoice in the opportunity of voting to-day for the continuance of that power. But, if I am called on by you, to silence inquiry, to extinguish the light of truth, to blow out the flame of justice, to condemn without hearing, to reduce to the dust a prince whom you have not yet heard; then let me where I stand avow my most determined opposition, and let me tell you, that I shall vote as my conscience as an English gentleman—as my love of impartiality as a British lawyer—as my natural feelings as a man—and as the justice that pervades the world, which is above all earthly laws, and which lives in the soul of every human being, dictate. (Loud and prolonged cheering.)

A pause of some length here ensued, during which no answer was returned by the Chairman to the question of the learned serjeant.

Mr. POYNTER.—Sir, I hope in the name, and as the representative of this honourable body, you will furnish a reply to that most solemn, emphatic, and important appeal now made, and that you will answer the question, as you will have to answer it hereafter. That

which is asked, is what the Court of Proprietors and the country at large expect of you, in the name of the body at the head of which you stand; and that the question should be deliberately answered from *that chair*, which I have made every effort in my power to elevate you to, believing that you were well qualified to fill it, and earnestly desiring that you may maintain it with honour. The question has something so English, so moral, and even so religious in it, that I confess it has won my whole heart, and I call upon you Sir, at once to give an answer to it.

After a brief pause,

The CHAIRMAN said: All who are not entitled to vote will now please to withdraw.

Mr. Serjeant GASELEE.—I beg your pardon, Sir! A question has been asked for the purpose of eliciting information. If you decline to answer the question, then I shall.

The CHAIRMAN.—It is in my discretion whether I answer it or not. I have declined to enter into the merits of the case, and I persist in that view.

Mr. HOGG.—If the learned Serjeant has read the papers, and considered them, he is competent to judge for himself.

Mr. Serjeant GASELEE.—Then, Sir, I shall feel it to be my duty to answer it, because I think in answering that question, I shall be answering the question for some other gentlemen also.

The CHAIRMAN.—My only answer is, that I have distinctly declined entering into the merits of the question, and must continue to do so.

Mr. POYNTER.—Will the honourable Deputy-Chairman answer the question which the Chairman declines to answer?

Mr. HOGG.—I suppose the honourable proprietor (alluding to Serjeant Storks) who states that he has taken so deep an interest in the matter, has read the papers and come to an opinion upon them. His duty therefore is, to consider and decide for himself. Far be it from me to presume to dictate to the Chairman what he should do. For myself *I distinctly decline to enter into the merits of the question*. Each gentleman, I presume, has considered it; I have considered it, and have come to my own conclusion, and I am now prepared to record my opinion by my vote.

Mr. POYNTER.—Will any other Director have the goodness to answer the question which has been put, and the reply to which by no means involves that Director in the necessity of *entering into the merits of the case*. I disclaim all desire of entering into the merits at this hour of the day; but I ask you simply to answer, whether on your consciences you can say, that the Raja has been heard in his defence.

Major OLIPHANT.—If the honourable and learned proprietor (Serjeant Storks) has read the papers, he must have been satisfied by them, that THE RAJA HAS NEVER HAD A HEARING. (Loud and enthusiastic cheering.)

Mr. Serjeant STORKS.—After the question having been declined to be answered by the Chairman, and the reply that has been distinctly given by the honourable Director, nothing shall force me, against every principle of justice, to vote for the motion proposed by the Chairman. In giving my vote against it, I exceedingly regret that I cannot, on this occasion, support the Court of Directors. (Cheers.)

A division then took place on the amendment of Mr. Lewis. Tellers, Mr. Lewis and Mr. Weeding. The Chairman declared the numbers to be

For the amendment . . . . .	15
Against it . . . . .	31

Majority in favour of a refusal of a hearing to the Raja of Sattara, 16.

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*The following twelve Directors voted in the majority:—*

SIR HENRY WILLOCK, Chairman  
 J. W. HOGG, M.P., Deputy Chairman  
 W. B. BAYLEY  
 JOHN MASTERMAN, M.P.  
 GEORGE LYALL, M.P.  
 HENRY ALEXANDER  
 CAPTAIN WHITEMAN  
 RUSSELL ELLICE  
 W. H. C. PLOWDEN  
 PETTY MUSPRATT  
 FRANCIS MACNAGHTEN  
 CHARLES MILLS.

## SPEAKERS :

*In favour of the Raja.*

GEORGE THOMPSON  
 JOHN SULLIVAN  
 JOHN POYNDR  
 RUNGOO BAPOGEE  
 MAJOR OLIPHANT  
 GENERAL ROBERTSON  
 ARTHUR JAMES LEWIS  
 GENERAL BRIGGS  
 SERJEANT GASELEE  
 MATTHEW CLARKE  
 SERJEANT STORKS  
 PETER GORDON.

*Against the Raja.*

SIR H. WILLOCK  
 J. W. HOGG  
 THOMAS WEEDING  
 THOMAS MARRIOTT  
 RICHARD TWINING  
 CAPTAIN RANDALL.

Of these only two (Messrs. Hogg and Weeding) assigned any other reason than their determination to support the constituted authorities.

## ARTICLES

FROM THE

## BRITISH INDIAN ADVOCATE,

*Of the 12th September, 1845.*

WE confess to a feeling of proud satisfaction in sending forth our present number. Hereafter, we trust, the Directors of the East India Company will thank God that when they would have outraged all justice, and silenced for ever the voice of truth in the cause of injured innocence, there were twelve men found who would not yield to their mandate, but boldly uttered what we

this day give to the world, and thereby saved the East India Company from unqualified infamy and indiscriminate condemnation.

A heathen once exclaimed, when addressing his judge, "Strike, but hear;" and the sentiment has been embalmed in the concurrent approbation of its justice by all subsequent generations. The Great Being who created us, and who is the judge of all, did not punish the most rebellious of his offspring until he had said, "Come, and let us reason together." The just God, who saw from his lofty throne the fratricidal act of Cain, did not fix his brand upon the murderer until he had said, "Tell me what hast thou done? Where is Abel, thy brother?" The Divine Teacher of mankind has taught us by a parable, that the guiltiest servant is not to be condemned, until he has been called upon to give an account of his stewardship; and we are instructed to believe, that the awards of eternity will be made upon the principle of an impartial judgment, and upon the contents of an open book, in which all our actions shall be written. All that the friends of the deposed Raja of Sattara ask, is a hearing for the accused. Let all who read the foregoing debate, render their utmost assistance to the men who are now battling at the India House for the inalienable right of every man to be heard in his own defence.

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#### A WORD ABOUT MR. HOGG.

DURING the skirmish which took place at the India House between Mr. George Thompson and Mr. Hogg, on the subject of paid agencies, the former gentleman stated his belief that the latter had once held the situation of Registrar in the Supreme Court at Calcutta; and that while in that office, he did not disdain the salary, the emoluments, and the pickings connected therewith. For our own satisfaction we have had recourse to the records of Parliament, and have lighted (as honest Bunyan would say) upon a certain document, ordered by the House of Com-

mons to be printed, 5th February, 1830, and numbered 4 of that year's session. In this Parliamentary paper, are several returns made by James Weir Hogg, Esq., in his several capacities, as—

1. Registrar on the Equity side ;
2. Registrar on the Ecclesiastical side ;
3. Registrar on the Admiralty side ;
4. Registrar in the Vice-Admiralty Court ; and
5. Receiver.

The salaries, emoluments, and pickings appertaining to these offices *for one year*, namely, 1827, are given by Mr. James Weir Hogg himself, and are stated to be as follow, viz :—

		Sicca Rupees.
As Registrar on the Equity side	. . . . .	108,371
Ditto	Ecclesiastical side . . . . .	107,295
Ditto	Admiralty side . . . . .	3,105
Receiver	. . . . .	9,476
Total . . . . .		228,247

That is to say, Mr. James Weir Hogg did, over his own signature in 1828, confess to the receipt of TWO HUNDRED AND TWENTY EIGHT THOUSAND TWO HUNDRED AND FORTY-SEVEN SICCA RUPEES, or, about TWENTY-FIVE THOUSAND POUNDS STERLING, in return for the services rendered by him to the State during the year of our Lord 1827. This is the gentleman who now exclaims—"Paid agents are the curse of India." He speaks from his own knowledge. Never having been favoured with a peep into the private ledger of Mr. James Weir Hogg, we shall not hazard a conjecture respecting the profits realized by this same greedy pluralist, in the way of ordinary "usance here in Venice ;" nor shall we say one word about the success, or otherwise, of large speculations in the produce of the rich valley of the Ganges ; his own modest acknowledgment, that he pocketed the sum of 228,247 sicca rupees for one year's fulfilment of his official duties, is enough to prove that Mr. Hogg has not, at every period of his life, despised payment for his services.



Mr. Hogg eschews vulgar things, or we would commend to his attention an adage well known on this side of Grosvenor-street—namely, “least said soonest mended.” But Mr. Hogg is a *wise* man as well as a *polite*; a word in his ear, therefore, is enough—it is this: Let him not again display his new-born aristocratic contempt for those who in the year 1845 (not 1827) receive moderate compensation for virtuous labour, or he may provoke inquiries even more unpleasant than those which were made during the recent debate; such, for instance, as—Whether there are not certain persons whose transactions “*Eastward of the Cape of Good Hope*,” if narrowly looked into, would not be found to have been (*since* the renewal of the last Charter) somewhat more extensive, than is in strict accordance with the limitations prescribed in the rules enjoined upon Directors of the East India Company? But as we have already said, *verbum sat*.

We are not aware that Mr. Hogg is in receipt of any other emoluments for his services at the India House than—a double share of the PATRONAGE, estimated at the value of 26,000*l.*, a salary of 500*l.* per annum, and his portion of the fines imposed upon absentee Directors. But who will say that Mr. Hogg’s services *in* Parliament and *out*, are not cheaply bought for 27,000*l.* a-year?

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### NAGPORE CHARGE.

One of the charges brought against the deposed Raja of Satara is that of having carried on a treasonable correspondence with the ex-Raja of Nagpore, for the purpose of obtaining from that exiled prince (who is an absolute pauper, and subsists upon the bounty of the Raja of Joudpore, in whose territory he has found an asylum,) a loan of two hundred and fifty thousand pounds, and his influence with the Sultan of Turkey, to allow a Russian army to march through Constantinople on its way to invade India!—the money being required to bribe Don Manoel.

the then governor of Goa, to introduce 30,000 troops from Europe to attack the English!!

As a specimen of the manner in which Colonel Ovans and his confederate, Ballajee Punt Nathoo, concocted this charge, and obtained evidence in support of it, we shall refer to the case of one of the alleged witnesses, whose treatment, while his services were required by the two worthies we have named, will serve to illustrate the history of the pretended confession of Govind Rao. The witness we have alluded to is a mendicant itinerant Brahmin, of the name of Ragho Bhutt, who, in the month of February, 1838, was apprehended by Colonel Ovans at a village near Sattara, and was brought to the Residency. Subsequently, important evidence was sent by Colonel Ovans to the Bombay Government as the evidence of this same Ragho Bhutt. The following petition from Ragho Bhutt, presented to Sir James Carnac, in the month of April, 1840, will show the means by which this evidence was obtained. We beg our readers to weigh the contents of this petition with the utmost attention.

#### PETITION OF RAGHO BHUTT,

One of the witnesses against the deposed Raja of Sattara ;  
*Presented to Sir James Rivett Carnac, Governor of Bombay,*  
*in the month of February, 1840.*

“ That your petitioner, in the month of February, 1838, arrived at Mahoolee, near Sattara ; and while he was with his father-in-law on the 30th of the same month, THREE MEN FROM BALLAJEE PUNT NATTOO, with two Putwallas FROM THE RESIDENT, and four other Sepoys, with Dajiba Putwurdhun, came and carried your petitioner to the Resident, Colonel Ovans. There he was interrogated by Colonel Ovans, whether he carried any letters of a treasonable character from his Highness the Raja of Sattara. Being quite ignorant of those things, he answered that he had no knowledge respecting this matter. Your petitioner was then ordered to remain for a few days, that they might take down his

deposition on some important matters. Your petitioner's case was then referred to Ballajee Punt Nattoo, Dajiba Putwurdhun, and Ballajee Kasee Kibey; (this man was the native assistant of Col. Ovens). Your petitioner was then privately asked by Ballajee Punt Nattoo, if he carried any letters of conspiracy from his Highness (the deposed Raja) to the Rajas of Joudpore and Jypoor, Scindia, Holkar, and Jaycooad. He being ignorant of these things, said *he never carried such letters to any Rajas, and he had no business with such letters.* They tried him by other means, such as offering REWARDS, GRANTS, ENAMS, (rent free lands,) &c., and then threatened him with punishment, such as putting him in chains, transportation, death, &c., that he might be tempted to give some information; but your petitioner being utterly ignorant of these circumstances, plainly said he did not know anything of the subject. That your petitioner found himself in extreme difficulty with regard to the means of support, and *was actually without food for some days.* While suffering under this severe treatment, *he was forced* by the above-mentioned individuals *to sign the papers,* written in Mahratta, WHICH HE COULD NOT READ; and he has since been told, that other papers were secretly mixed with his, WHICH WERE NEVER IN HIS POSSESSION, and, BY FORCE, SOME OF THE ABOVE-NAMED MEN HELD THE PEN, and caused the letters of his name to be written on those papers. THAT HE WAS KEPT EIGHTEEN MONTHS IN IMPRISONMENT: at the end of which period he was sent to Poonah, WITH ORDERS NOT TO RETURN TO SATTARA AGAIN. (Signed) "RAGHO BHUTT."

We deliberately declare our conviction that the statements contained in this petition are true. We declare our solemn conviction also, that the whole of the evidence against the deposed Raja of Sattara was obtained by means equally foul. Let no one suppose that the authorities at the India House are not as fully convinced as ourselves of the perfect innocence of the de-throned Raja. Every atom of the evidence against that unfortunate prince has been again and again annihilated. Do any desire to know the true reason for refusing inquiry? It is this. An

inquiry into the means employed to effect the ruin of the Raja of Sattara, would lead to such a revelation of the mal-practices of certain Europeans—Englishmen—and servants of the Honourable East India Company, as would involve those parties in infamy, and render them liable to the heaviest legal penalties. The guilty parties have friends, relatives, and patrons at the India House, who are at this moment resorting to every conceivable expedient to prevent inquiry, and consequent exposure. Vain effort! The truth will out. Every mail will bring fresh evidence of the official delinquencies of those who, for the last seven years, have been the persecutors of a prince who, in the language of Mr. Sullivan, has had to pass through one of the severest ordeals ever prepared for a human being, and has come forth with unshaken honour, and perfectly unscathed.

For particulars respecting the evidence obtained from Ragho Bhutt, vide Par. papers, pp. 881 and 869, where other names are given to this witness for the purpose of misleading the government.

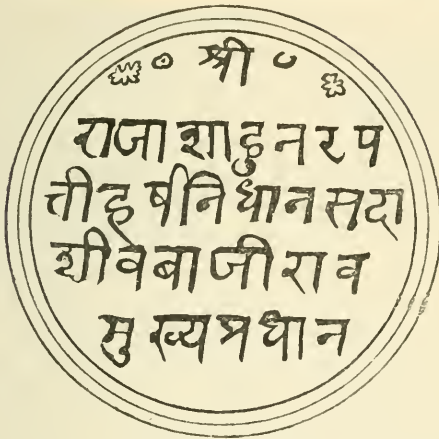
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### FORGED AND GENUINE SEALS.

IN the speeches of Mr. A. J. Lewis and Major-General Briggs, as well as in the letter of Mr. Hume to the Court of Directors, special reference is made to certain forged seals, found in the possession of parties connected with the conspiracy against the deposed Raja of Sattara. It may possibly render the remarks of those gentlemen, and the subject generally, still more intelligible to our readers, if we place before them authentic copies of the *forged* seals, and equally authentic copies of the *genuine* ones. The first set referred to, is the one forwarded to Mr. J. A. Dunlop, and described as having been found among the papers of NURSING BHARTY, the late SWAMEE of Sunkeshwur. This set consists of *five* seals. *Two* large ones and *three* small ones. The inscriptions on the large ones are the same. The inscriptions on the small ones also are the same. Fac-similes of the whole five are before us; but as in form and inscription they are in all respects alike, one copy of each will be sufficient for our purpose.

## FORGED SEALS IN POSSESSION OF THE SWAMEE.

The following is the large seal.



The inscription upon the above is in Sanscrit, as follows :—

RAJA SHAHOO NERPUTTY HERSH NIDAN  
SADASEW BAJEE ROW MOOKEE PRADHAN.

Which being translated, is, "Sadasew Bajee Row, the Prime Minister of Shahoo Raja, King of Men."

The following is a copy of the small seal :—



The description on the above is, "SEKHUN SEEMA ;" or, "The End."

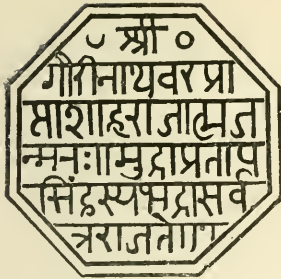
In reference to the inscription on the first, or principal seal, called SICCA, General Briggs remarks :—

“ These are the words (excepting the name) which have been ordinarily used by the Peishwas (or Prime Ministers of the Sattara Rajas) during a very long period. In the case of the late Bajee Row, instead of the words “ Sadasew Bajee Row,” the words were “ Bajee Row Ragonatt.” The seal before us is one purporting to be the seal of “ Sadasew Bajee Row (or the son of Bajee Row) the Prime Minister of Raja Shahoo,” and is said to be *the seal of the deposed Raja* ; but the deposed Raja’s name is Pertaub Shean. There is not, therefore, upon the seal, forwarded by Mr. Dunlop to Government, as *the seal of the dethroned Raja*, a single word that is applicable to him ; or would ever be put upon a seal used by him or for him. But further. My historical knowledge enables me to bear testimony to the fact, that there never was such an individual as Sadasew Bajee Row in the family of the Peishwas, and that from the time of the first Peishwa, Ballajee Vishwanatt, there is not to be found an individual of the name of Sadasew Bajee Row at all. The only person of that name was a son of Chinnajee, *the cousin* of the first Bajee Row, and he was slain at the battle of Paniput, in 1760. There never was a person of that name in the family. Well, sir, these papers and seals were found,—where ? They were found in the Mutt, or hermitage, as it may be called, of the late Swamee of Sun-keshwur. Now, I have asserted, and I think proved, that THESE SEALS ARE NOT THE SEALS OF ANY PERSON LIVING, OR WHO EVER DID LIVE ; AND THEY MUST CONSEQUENTLY BE FORGED SEALS.”

We will now give authentic copies of the large and small seals (the Sicca and Mortub) of Pertaub Shean, the deposed Raja of Sattara. These seals were the State Seals of his Highness, from the year 1819 until his dethronement in 1839. They were left at Sattara, and were in the possession of Colonel Ovans, and would at any time have proved the forgery of those produced by Mr. Dunlop.

## GENUINE SEALS.

SICCA.



MORTUO.



The inscription on the large seal is as follows :—

“Gowrie Nath Wurprapta Shahoo Raja Otma Junmunha, Moodra Pretaper Singwursher, Bundra Surwurtra Rajitee,” and has been translated, “By the favour of Gowrie and Ishwur, the seal of Pertaub Shean Raja, the son of Shahoo Raja, obeyed by all, or commanding all.” The inscription on the small seal is :— “Muryadi yem ve Rajiti,” and means, “Let all be done according to these orders.”

Copies of the forged seals, above given, having been sent to his Highness the deposed Raja, he addressed a letter through his secretary, to Rungoo Bapogee, his agent in London, dated Benares, 27th of March, 1844 ; from which the following is an extract :—

“Such a person as Sudasew Bajee Row is quite unknown to us. The first to whom the dignity of Peishwa was granted was Balajee Vishwanath, who had two sons, the elder of whom was called Bajee Rao Bullal, who succeeded his father as Peishwa. I enclose you a list of all the public officers of the Sattara state who have filled this high situation. The second of Balajee Vishwanath’s sons was called Chimnajee Bullal, whose only son was “*Sudasew Chimnajee*,” otherwise called Bhow Sahib, who held a *subordinate situation* in the Raja’s service for a short period. He accompanied the Mahratta army, under Vishwas Rao, to Paniput, where, as is well known, he was slain in the battle

with the Affghans, in the year 1760. I have searched the records, aided by the most experienced Karkoons, with the view of finding, if possible, the name of Sudasew Bajee Row as Peishwa, but none such is to be found.

“ The office of Peishwa, during the reigns of the first three Mahratta sovereigns, having been given to persons of different families, their names are not here mentioned.

“ SHAHOO MAHARAJ CHUTTRAPUTTEE, (king or emperor,) the First.

“ Peishwa 1.—Balaji Vishwanath.

“ Peishwa 2.—Bajee Row Bullal.

“ Peishwa 3.—Ballajee Bajee Row.

“ RAM RAJAY CHUTTRAPUTTEE.

“ Peishwa 1.—Ballajee Bajee Row.

“ Peishwa 2.—Mahdow Rao Bulal.

“ Peishwa 3.—Narain Rao Bulal.

“ Peishwa 4.—Ragunath Bajee Row.

“ SHAHOO MAHARAJ, CHUTTRAPUTTEE THE SECOND.

“ Peishwa 1.—Mahadow Rao Narain.

“ Peishwa 2.—Bajee Rao Ragunath.

“ Peishwa 3.—Chimnajee Mahdow Rao.

“ SHREEMUN MAHARAJ CHATTREYER KOOLARWURTUROUSE, RAJUSHIRI PERTAUB SING CHUTTRAPUTTEE (king or emperor), the ex-Raja.

“ Peishwa 1.—Bajee Row Ragunath.

“ Peishwa 2.—Vinaek Row.”

We come, now, to the *second* set of seals, found amongst the papers obtained by Colonel Ovans from a gang-robber of the name of Balkoba Kelkur, on payment of 40*l.* and the promise of a free pardon. On this subject General Briggs remarks :—

“ The documents which were purchased by the Resident of Sattara, consisted of thirty-eight pieces, and were sold as I have



said, by a captain of banditti for 40*l.*, though they had been pawned for 50*l.*; but there is this very extraordinary circumstance connected with these papers, which I am sure must strike everybody as strange, namely, that they consist mainly of letters alleged to be written by two parties to each other. They purport to be the original letters, bearing the seal of the Raja of Sattara on the one hand, and the seal and signature of the Governor of Goa on the other. They are termed original documents, which, instead of being in the hands of the parties who ought to have received and retained them, are found in a pawnbroker's shop in the Concan, left there by a gang of robbers, and 50*l.* raised on them, but which were given up for the sum of 40*l.* Now, I repeat it again, this is a very extraordinary fact. How comes it that these letters, instead of being in the possession of the Raja of Sattara in the one case, and the Governor of Goa in the other, happen to be found together in the same place, and in such very disreputable hands? The letters from the Governor of Goa, too, I beg to observe, are not addressed to the ex-Raja, Pretaub Shean. Consistently with this, also, the seal is not in the name of the ex-Raja, but in that of one Seevajee Raja. The seal of Seevajee is in the Record Office at Sattara, and it might have been compared if deemed requisite with the seal which has now been put forward and produced by Colonel Ovans, purporting to be that employed by the ex-Raja Pretaub Shean in this conspiracy. Without inquiring into the inscription on the seal, which does not correspond with the original, the shape is even dissimilar, the seal now produced being *round*, while that of the ex-Raja, as well as that of Seevajee, are both *octagonal*. Suffice it to say that, as they are not of the correct *shape*, they cannot be fac similes of the original seals. It must be admitted, therefore, from these circumstances, that these seals must have been fabricated, and we are not left in doubt as to the fact, for Balkoba Kelkur, the captain of the gang, says with regard to them, that the late Nago Dew Rao, the head conspirator, told him they *were manufactured at the town of Pedney* in the Southern Concan. Now, sir, what an important fact is

this! Here are these seals, brought forward as condemnatory of the Raja, and as being his seals, acknowledged by one of the parties themselves, and one of the principal witnesses against him, as having been manufactured by Nago Dew Rao, at a town called Pedney!"

We shall now give authentic copies of these—

FORGED SEALS,  
PURCHASED BY  
LIEUTENANT COLONEL OVANS,  
OF  
BALKOBA KELKUR,  
*A Gang Robber,*

For the sum of FORTY POUNDS STERLING and a FREE PARDON,

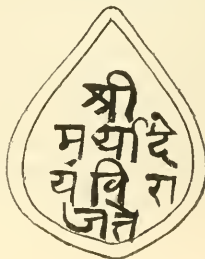
The inscription on the larger seal is as follows:—

"Raja Seevajee Chuttraputtee. Adhar-hatti jaiwuntin tulwar:" and has been translated, "Raja Seevajee, king or emperor, holding in his hand the sword of Victory, or his victorious sword."

The inscription on the small seal has been translated, "Let all be done according to these orders."

By the former of these inscriptions it appears that these instruments were intended to represent the seals used by the great Seevajee Raja, who reigned over the Mahratta empire about 160 years ago. The following copies of the seals really used by Seevajee Raja have, however, been forwarded to England, and an inspection of them will show that there is not the slightest resemblance between them and those produced by Balkoba Kelkur, either in shape, or in the inscriptions which they bear.

1. SMALL SEAL.



## 2. LARGE SEAL.



COPIES OF THE IMPRESSIONS OF THE ORIGINAL SEALS.



The Sanscrit inscription on the larger of these seals is as follows :

“Prutipud ̄chandrareke Wawerdavishnoo Vishwa Vundeta Shasuno Sewarajese rusaumoodra Bhudrayer Rajate,” and has been translated, “ Like the increase of the new moon from the first day, so all the world obey and worship the seal of Sevajee Raja, the son of Shahjee Raja.”

Even had the seals produced by Balkoba Kelkur corresponded exactly with those of Seevajee Raja, which they were intended to represent, the use of instruments in the Goa intrigue, different from those usually affixed by the Raja to state papers, would have been inexplicable.

We cannot dismiss, for the present, the subject of the forged seals, without offering our best thanks, on behalf of the deposed Raja of Sattara, to Joseph Hume, Esq., M.P., to Rungoo Bapojee, the faithful agent of his Highness, and to W. N. Nicholson, Esq., Barrister at Law (the author of a very able analysis of the Sattara Papers,) and Major General Briggs, whose labours have so greatly contributed to the elucidation of this very important part of the case.

We shall shortly have occasion to lay before our readers the proof of Colonel Ovans having been privy to the existence of treasonable documents, to which the *genuine seals* of the Raja had been affixed by a band of conspirators, who had bribed the parties in charge of the Raja's household treasury, and so obtained the means of using his Highness's state seals ; and that Colonel Ovans *was offered* BY HIS OWN NATIVE AGENT, *one of the documents bearing the impression of these genuine seals*, and declined it, from a fear lest the Raja might be able to prove the manner in which the seals had been obtained ! Such a document, if genuine, would have been *conclusive proof* of the Raja's guilt. If the work of a conspirator, it was equally a proof of the existence of a party, seeking, by the most atrocious means, the destruction of the Raja. We write advisedly when we say, that the Bombay Government have at this moment in their possession treasonable documents bearing the impressions of the genuine seals of the deposed Raja of Sattara, and that they have neither produced them as *evidence against the Raja*, nor instituted any inquiry into the manner in which they were fabricated. The history of these instruments, however, will ere long be before the public.

IMPEACHMENT  
OF  
LIEUTENANT-COLONEL C. OVANS.

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EAST INDIA HOUSE.

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A General Quarterly Court of Proprietors was held at the India House, on Wednesday, the 24th of September; Sir Henry Willock, K.L.S., Chairman of the Court of Directors, in the chair. On this occasion, the Court of Directors had ordered a number of the servants of the House to guard the entrance to the strangers' gallery, and to exclude every person not a Proprietor (the gentlemen connected with the public press excepted) from the Court. A board was also placed at the door by which the Proprietors usually enter, announcing that the Court was closed against all holders of stock of a less amount than *five hundred pounds*. A long and angry discussion took place in the Court of Directors previous to the hour for commencing the business of the General Court, relative to the conduct of the majority of the Directors in issuing the orders to which we have referred; the Deputy Chairman and others, however, adhered to their determination that strangers should be *utterly excluded*. On the chair being taken at twelve o'clock,—

QUESTION OF PRIVILEGE.

Mr. SERGEANT GASELEE rose to speak to the question of privilege, and in the strongest terms condemned the conduct of the Directors in excluding the public, and violating the rights of Proprietors by putting up the board then at the entrance to the Court.

The learned gentleman referred to the Charter of the Company, in proof of the right of Proprietors of all amounts of Stock to be present at General Courts, and argued, that the By-law excluding holders of less than five hundred pounds of capital stock was illegal, and therefore *null* and *void*. He moved that the door of the Court should be thrown open.

Mr. THOMAS MARRIOTT seconded the motion, stating at the time, that he had no wish to exclude strangers.

The CHAIRMAN said, the gallery had been closed in consequence of a circular having been issued by a Proprietor (Mr. Gordon) previous to the last Court, inviting the public generally to be present, and therefore some check was necessary, lest the Proprietors should find themselves excluded by the influx of strangers.

Mr. THOMPSON condemned the whole proceedings. The Directors had no right to take the steps they had done, without consulting the proprietary body. They ought to have asked leave. That Court was beyond their jurisdiction. The exclusion of strangers would make the Court a Star Chamber and an Inquisition. As for the board at the door, it was in direct contradiction of the explicit provisions of the statute, and had he been a small Proprietor, and had found himself shut out, he would have gone immediately to Westminster, and have returned with a *Mandamus* in his hand, compelling the Court to admit him. He accused the Directors of sanctioning gross and brutal libels in a demi-official monthly publication, in which even the ladies present at the former Court had been indecently assailed, though quite as respectable as any related to the Directors themselves. Tyranny and despotism would overreach themselves, and bring infamy and ultimate annihilation upon the Directors. It was not ruin, but reformation, which he (Mr. Thompson) sought, and he therefore entreated the Proprietors to reverse the decision of the executive, and to throw open the doors.

Mr. HOGG, the Deputy Chairman, declared that it was never intended to exclude the public, but merely to require some guarantee of the respectability of the parties admitted, as was done at the House of Commons. The gallery door was subsequently opened, and the motion of Sergeant Gaselee therefore withdrawn.

## IMPEACHMENT OF COLONEL OVANS.

Mr. GEORGE THOMPSON,—Sir, the object of my rising to address you on this occasion, is, to induce the Court to consent to the appointment of a select Committee to inquire into the conduct of a public officer of the East India Company. The officer to whom I allude is Lieutenant-Colonel Charles Ovans, of the Bombay Army, late Political Resident, or Representative of the British Government, at the Court of Sattara. I am aware, that the notice I have given would justify a belief, that I am about to prefer, in a formal manner, certain charges against that officer. It would have been easy for me to have done so; but after a very careful consideration of the subject, I have come to the conclusion that I shall be acting more in accordance with the ordinary course of an investigation like the present, if I confine myself, in the first instance, to a brief statement of the facts of the case, and conclude with a motion for the appointment of a Committee to inquire into those facts, and to report thereon to this Court. Although the papers which contain the entire case I am about to bring before you, are in the hands of the Proprietors, yet, it would, perhaps, be unreasonable to expect that they should be able, on the spot, so to test the accuracy and fairness of my references, and so to weigh the justness of my inferences, as to feel justified in at once pronouncing judgment upon the conduct and character of Colonel Ovans. Some of the facts I am about to state are familiar to the Members of this Court, having been frequently before referred to. Others may be altogether new; and others, again, though not previously unknown or unnoticed, may have been viewed in a very different light from that in which they have presented themselves to my mind. At all events, they have never yet been presented in a collected and consecutive form—have never been made the ground of specific and formal allegations, for the purpose of eliciting the deliberate opinion of this Court upon the official conduct of Colonel Ovans. It has appeared to me, therefore, that courtesy and fair dealing, no less than the gravity and importance of the subject, demand that I should in the first instance present to this Court what I may call a *prima facie* view of the case. Having done this, it would be competent in me to give notice of the charges I intended to found upon the *ex parte*

evidence laid before the Court ; and if, in going into these charges I brought forward no new matter, I should stand acquitted of precipitation, or of having in any way taken the Court or Colonel Ovans by surprise. I have resolved, however, to adopt a course which will put it in the power of this Court to take the inquiry into their own hands, and by so doing, to have the utmost possible security for the fair and impartial prosecution of the inquiry. My present object then, is, to show cause why such an inquiry should take place. This object I shall seek to accomplish by placing before you certain incontrovertible facts. These facts will be of a nature to admit of easy, immediate, and satisfactory investigation, I shall lay you under no necessity to call witnesses. I shall not oblige you to search voluminous manuscript records ; I shall not perplex you, by placing before you the doubtful and conflicting evidence of natives, even when that evidence is to be found in a printed form in the papers now before us. I shall make Colonel Ovans the narrator of his own acts, and, in most instances, the expounder of his own motives. There will be only one question of fact for you to determine, and that will be, whether certain documents, bearing the name of Colonel Ovans, supplied by the authorities of this house, and bearing the *imprimatur* of the Imperial Parliament, are correct copies of genuine documents emanating from Colonel Ovans, during the time of his administration of the affairs of Sattara.

Sir, before I proceed, I must be permitted to state that the inquiry upon which I am about to enter is one of deep importance. It nearly concerns the character of an officer of this Company, who has filled a high appointment, and who has been intrusted through a series of years, with almost unlimited power over the destinies of a large number of human beings ; an officer who, justly or unjustly, has been the almost sole instrument of dethroning a Prince of high reputation and rare virtues, and of enthroning another, who is at this moment living under the protection and favour of the British Government. For many years this officer has been the Representative of British authority at a Native Court. Our Representative, your Representative, and mine ; nor ours alone--the Representative of the Monarch and people of this country, as well as of the



East India Company ;—by the measures he has taken, by the information he has furnished, and by the advice he has tendered, has for a long period influenced the affairs of a distant nation. On almost every page of these voluminous papers, I see the evidence of the almost paramount sway exercised by this officer over the councils of an important branch of the Indian Government. I am about to call upon you to examine into the nature of the measures he adopted, the character of the information which he afforded, and the kind of advice which he offered, to guide the deliberations and determine the decisions of the Government under which he acted. An able predecessor of this officer, when called upon to reply to certain questions put to him by the Government of this country, relating to the qualifications of Residents at Native Courts, has observed that, “A dishonest envoy is the worst of traitors, as a foolish one is a calamity and a reproach.” It is equally indisputable that an enlightened and upright envoy must be a blessing to the country he visits, a credit to the Government he serves, and the means of exalting the reputation and influence of the nation to which he belongs. It will be for you to say, at the close of this inquiry, to which of these classes of envoys Colonel Ovans belongs. The present investigation is important, inasmuch as it involves the justice or injustice of the sentence pronounced upon the Raja of Sattara, and consequently the character of the Government by whom that sentence has been pronounced and carried into effect. If that sentence shall be found to have been a just one, then let it stand. The more rigorous the inquiry, the more complete will be the manifestation of its justice, and the more hearty and permanent the verdict of approbation pronounced upon it. But, if it was an unjust sentence, and still more, obtained by base, fraudulent and foul means, it must and will remain a stigma upon our national character—a stigma that can only be effaced by reversal and ample reparation. Such is the nature of the inquiry. It relates to the character and conduct of a British officer, to the sentence passed upon a Prince and a people, and involves the reputation of the British name throughout those wide dominions which we are permitted to govern, in trust for the Crown, and responsible to God.

Lieutenant-Colonel Ovans entered the service of this Company in 1809. In 1820 he was employed upon a survey of Guzerat ; in 1825 he was engaged in Kandeish ; in 1831 he visited England on furlough, and on his return to India, was promoted to the situation of Quarter-Master-General of the Bombay Army. In 1836 he was associated with Mr. Willoughby and Colonel Lodwick, on a Commission to inquire into a charge against the Raja of Sattara, of attempting to corrupt the native troops, serving under the British Government in India. He returned to his military duties at Bombay, and on the 6th of June, 1837, was officially notified of his appointment to the situation of Acting Resident at Sattara, in the place of Colonel Lodwick, who had been called upon by Sir Robert Grant, to apply for a sick certificate, in order that the Governor might put into his office a person of greater tact, dexterity and energy.

In 1818, Pertaub Sing, the deposed Raja of Sattara, having been released by the British Government, from the state of confinement in which he had been kept by the Peishwa, was placed upon the Gaddee of Sattara, as the Representative of the ancient Princes of the Mahratta country ; one of the objects of the Government being, to establish a counterpoise to the remaining influence of the former Brahmin Government. The Raja is described by those who found him in the field of battle, as having shown the utmost joy at being taken to the camp of the British, and as having expressed the utmost confidence in the generosity and good faith of our Government. Mr. Elphinstone, in a letter to Captain Grant, 8th April, 1818, (p. 508,) speaks of the young Raja, as having given "proofs of a good disposition, and a sound understanding ;" and Sir John Malcolm, after an inspection of the Sattara territory, eleven years afterwards, speaks in the most favourable terms of the character and conduct of the Raja, since he had been intrusted with the entire administration of the affairs of his principality ; and in a Minute penned on the 22nd of February, 1829, says, "the mere loss of revenue that has attended the establishment of the principality of Sattara, is compensated tenfold, by the reputation we derive from the act, and by the scope we have afforded to the exercise of talent, and the attainment of rank and consideration to *a large and prosperous population.*"

On the 25th September, 1819, a Treaty of perpetual friendship and alliance was concluded, between the Raja of Sattara and the British Government. I shall read the second and sixth articles of that Treaty, as referring to the position of the Agent or Resident at the Court of his Highness.

“ARTICLE 2. The Raja, for himself, and for his heirs and successors, engages to hold the territory in subordinate co-operation with the British Government, and to be guided in all matters by the advice of the British Agent at his Highness’s Court.

“ARTICLE 6. The Raja shall ultimately have the entire management of the country now ceded to him ; but as it is necessary, on account of the recent conquest of the country, that it should at first be governed with particular care and prudence, the administration will, for the present, remain in the hands of the British Political Agent. That officer will, however, conduct the Government *in the Raja’s name, and in consultation with his Highness* ; and in proportion as his Highness and his officers shall acquire experience, and evince their ability to govern the country, the British Government will gradually transfer the whole administration into their hands. He will, however, at all times attend, as above agreed, to the advice which the British Political Agent shall offer him, *for the good of his State, and for the maintenance of general tranquillity.*”

Were it necessary, I might quote numerous passages from the letters of Mr. Elphinstone to Captain Grant, who was the first Resident, and from that officer to Mr. Elphinstone, for the purpose of showing in what manner the duties of Agent and Resident were to be discharged. It was enjoined upon the Resident to treat the Raja with the utmost respect and deference, to avoid all interference, except where it was absolutely necessary ; to be the friendly adviser of the Prince in all matters connected with the welfare of the State, and his own honour and character ; and to do all in his power to render the Raja popular among his subjects, and to establish him firmly on the throne to which we had elevated him. Every letter from the Resident to Mr. Elphinstone, is replete with the proofs of the Raja’s profound regard for the friendly counsel of his European adviser ; and subsequent Residents have affirmed, that the friendly injunctions of Captain Grant, were observed with a degree of re-

verence absolutely religious—as unalterable laws for the regulation of his conduct; and that he never mentioned the name, either of Mr. Elphinstone or Captain Grant, without an expression of his exalted esteem for their character, his gratitude for their counsel, and his fixed determination to act according to their wise recommendations. Happy would it have been for the Raja, and most fortunate for the name and honour of the British Government, if every Governor and Resident had trodden in the footsteps of these distinguished men.

I have already stated, that previous to Colonel Ovans's appointment as acting Resident at Sattara, he had been a member of the Commission, sent in October, 1836, to Sattara, to investigate a charge against the Raja. As a member of that Commission, he pronounced the Raja guilty of tampering with two native officers of the 23rd regiment. In conjunction with Mr. Willoughby, his brother Commissioner, he refused on that occasion to pay the Raja any outward mark of respect; he resisted the endeavours of Colonel Lodwick to obtain for the Raja the services of a Vakeel during the inquiry; he prevented the cross-examination of the witnesses; he obtained the destruction of the notes taken by Colonel Lodwick during the sitting of the Commission; and he finally united with his Civil colleague to induce Colonel Lodwick to sign the report of the proceedings, well knowing at the time that Colonel Lodwick regarded the evidence as utterly worthless.

I shall not now dwell upon the conduct of the Bombay Government in appointing to the situation of Resident, a person who had previously pronounced the Raja guilty, upon the evidence of self-convicted perjurers, of the heinous crime of attempting, by the corruption of our troops, the destruction of the English in India, and the overthrow of our Government; neither shall I at present go into the details which would be necessary, to bring to light the artifices and falsehoods which were resorted to, for the purpose of effecting the removal of Colonel Lodwick from Sattara; neither shall I now dwell upon the extraordinary fact, that the alleged Petition of Girjabae was kept, from the 6th of March to the 13th of June, in order that it might be committed to the hands of Colonel Ovans. Suffice it to say, that while

Colonel Lodwick was removed, upon the declared ground of having *lost the confidence of the Raja*, a man was appointed, who had secretly declared his conviction of the Raja's guilt, and who was *specially instructed to be distant and reserved in all his communications with the Raja*; and who, acting upon his instructions, informed his Government that he had resisted the Raja's attempts to throw himself into his hands. It is a dark and most distressing chapter in our Indian history, which records the transactions of the Bombay Government, from the period of the misunderstanding with the Raja, on the subject of the Jagheers, down to the appointment of Colonel Ovens, and his arrival at Sattara. I proceed at once to the official conduct of Colonel Ovens.

#### I.—SUBORNATION OF EVIDENCE AGAINST THE RAJA.

Colonel Ovens arrived at Sattara on the 15th of June, 1837, and commenced his official duties on the following day. These papers enable me to state with certainty, what was the earliest official act of this officer. I have shown you, that by the Treaty existing between the two Governments, he was bound to be the friendly adviser of his Highness the Raja, for the good of the State over which that Prince presided, who, by the same Treaty, could not act, except with the concurrence and approbation of the Resident. Bear in mind, that for nineteen years the Raja had so conducted himself, as to merit from all persons connected with the Government of India, eulogiums higher than any that ever before had been pronounced upon any native Prince; and that the testimony of the retiring Resident was, that until the Raja had been long and grossly deceived by the Governor of Bombay, and had therefore resolved to send an agent of his own to England to represent his treatment, he had conducted himself with perfect good faith, and firm reliance on the British Government. Remember, too, that during those nineteen years, there had never been in the archives of the Residency, a fragment of secret correspondence respecting the affairs of Sattara. Let me now show you what was the first act of the new Resident, Colonel Ovens. The circumstances I am now going to relate, will fur-

nish a very important clue to the manner in which the evidence against the Raja was obtained. It appears that in the month preceding that of Colonel Ovans's arrival at Sattara (namely in May, 1837) a Brahmin lad of the name of Pandurung Punt, the servant of a British officer, made several overtures in person, to Lieutenant Horne, then attached to the 8th Regiment of Native Infantry. These overtures were in the name and on the behalf of another person of the name of Bhow Leley, and were to the effect, that if a large sum of money was advanced by the British Government, and a guarantee of personal safety given, certain treasonable documents would be produced, bearing the signature of Govind Row and others, implicating the Raja of Sattara in a treasonable conspiracy. This Pandurung Punt afterwards had an interview with Captain F. Durack, the Line Adjutant, and deposed in writing, that Bhow Leley was prepared, on condition of a present payment of 1000 rupees (100*l.*) and a subsequent present of a lakh of rupees (10,000*l.*) to produce a treasonable document in the handwriting of Govind Row. Pandurung was told to send his principal, Bhow Leley, and accordingly Bhow Leley came, and repeated the offer he had made through the boy. These occurrences took place while Colonel Lodwick was the Resident at Sattara, and in virtue of that office, the Commanding Officer of the British troops, but were not communicated to him. On the arrival of Colonel Ovans, however, they were instantly made known to him, and he at once gave authority to Captain Durack to give Bhow Leley the sum of 200 rupees (20*l.*) to pay the expenses of his trip to the place where the treasonable documents were said to be; he also directed Captain Durack to pass a note, to the effect that he (Bhow Leley) would be rewarded by the British Government according to the extent of the services he might afterwards perform. Such was the first act of Colonel Ovans, on the morning of the 16th of June, the very day of his assumption of the office of Resident at Sattara. According to his instructions, Captain Durack on the same day gave to Bhow Leley 150 rupees (15*l.*) and a written guarantee that he should be adequately rewarded for all the information he might procure "of a certain nature." At the expiration of a month this man

returned, and reported to Captain Durack that he had failed in his enterprise; — Captain Durack would have dismissed him, but he was told by Colonel Ovans to give him another trial, as he yet might be found useful. Here, then, we have an offer made to a Lieutenant at Sattara of treasonable papers. There is a Resident at the Court of the Raja, who is also the Commanding Officer, but the fact is wholly concealed from him. Several interviews take place, all equally secret and unauthorized. At last, the man Bhow Leley sees the Line Adjutant, the Staff Officer of Colonel Lodwick, and repeats his proposal to him. He also conceals the fact from his superior, the Resident. The moment Colonel Ovans arrives, he is informed of all that has taken place, and without a moment's hesitation, he authorizes his own Staff Officer to enter into a bargain with the man—to pay him a large sum of money—and to give him a written assurance, that he shall be rewarded “in proportion to his services.” What are the services he has to perform? He is to produce papers which will criminate the Raja. The man who offers to do this, is all unknown to Colonel Ovans; unknown to Captain Durack, and unknown to Lieutenant Horne; but he nevertheless receives at once, a sum of 15*l.* sterling, a pledge of indemnity, and a written assurance of future reward in proportion to the services he may render; that is, in proportion to his ability to enable the Resident to criminate the Raja. What is the nature of this act? Is it not direct subornation? What can be a greater aggravation of the criminality of this act, than the fact, that it was committed by one who was bound by a treaty to be the friendly adviser in all things of the Prince whose destruction was thus aimed at? and that it was the first act of his official career! What hot haste, what extraordinary avidity do we find here! Without a moment's reflection, without any examination of the vile instrument who proffered his services, without the slightest knowledge of his character, his avocations, or his motives—Colonel Ovans at once closes with his offer, retains him by a present fee, and degrades his own Staff Officer by requiring him to pledge the British Government to reward this man in proportion to the success of his detestable schemes! Imagine the Raja receiving and

welcoming as his friend, his counsellor, and coadjutor, as the successor of Elphinstone and Grant, and Briggs and Robertson, this same suborner of testimony, Col. Ovans! Read the account which Colonel Ovans has himself given of the frank confiding manner of the Raja on that occasion—offering to throw himself wholly into the hands of the Resident—protesting his friendship for the British Government, and his willingness to die to prove his sincerity—and then revert to the scene of the 16th—to the first act of this friendly adviser, who has given a wretch 150 rupees to pay his trip in search of papers for the purpose of helping that adviser to hurl this noble and unsuspecting Prince from his throne! Oh, Sir, I feel my need of patience while I dwell upon these scenes. I blush for my country, I blush for human nature itself, when I think upon acts like these! What a perversion of authority! What a prostitution of power! What a cool predetermination to ensnare, to deceive, and to destroy, are exhibited in this one act! Can we wonder at anything that follows after this? What must the enemies of the Raja have thought, when they saw in the hands of Bhow Leley, a paper in the handwriting of Colonel Ovans's Staff Officer, offering a reward to an unknown man, for papers to criminate the Raja? Imagine the hellish Jubilee there must have been among the foes of this most virtuous Prince, when they found a man had come among them, whose first act was, to grant a roving commission to an unknown vagabond, to go in search of treasonable papers to convict the Raja. It was a proclamation throughout the country, that all who wished to destroy the Raja might come forward, and find a warm greeting at the hands of the Resident, and a rich remuneration for their treachery. What must Bhow Leley himself have thought? Wretch that he was, he must have said to himself,—“I have at length found my fellow in the British Resident, a man, who, without seeing my face, will send me one hundred and fifty pieces of silver, and give me a note of hand for a future and a rich reward, if I will help him to effect the ruin of the Prince he has come to advise!” Sir, I shall call upon this Court to institute an enquiry into this part of the conduct of Colonel Ovans. I am prepared to establish the accuracy of every



fact I have now stated. It will be for the tribunal I desire to see appointed, to say, whether the view I have taken of these circumstances be sound or otherwise. Let me, before I dismiss this part of my subject observe, that I have been unable to discover the slightest evidence that Colonel Ovans communicated to his Government a single syllable concerning this transaction with Bhow Leley. On the contrary, he appears to have most studiously concealed the whole affair from their knowledge, until the Raja himself detected the infamous proceeding.

I will now refer you to the printed Parliamentary papers, containing the undeniable proof of everything I have stated.

1. Deposition of Pandurung Punt, p. 642.
2. Memorandum of Captain Durack, engaging to pay Bhow Leley for his services, p. 642.
3. Receipt given by Bhow Leley for the money paid to him by Captain Durack, p. 642.
4. Letter of Lieutenant R. Horne, relating the nature of his interviews with Bhow Leley and his accomplice, p. 642.
5. Deposition of Anund Row, a native agent of Captain Durack, p. 640.
6. Two depositions of Bhow Leley, taken in Sattara, by order of the Raja, on the 17th and 18th June, 1837, p. 640.
7. Letter from Dr. Milne to the Government of India, dated September 18th, 1837, p. 638.
8. Letter from the Secretary to the Government of Bombay, to Colonel Ovans, dated September 21st, 1837, p. 392.
9. Letter from Captain Durack to Colonel Ovans, dated September 25th, 1837, p. 641.
10. Letter from Colonel Ovans to the Government of Bombay, dated September 27th, 1837, p. 392.
11. Ditto, ditto, June 24th, 1837, p. 369.
12. Letter from the Raja to the Government of Bombay, dated 17th July, 1837, p. 583.
13. Minute by Sir Robert Grant, dated 21st July, 1837, p. 84.

Before I proceed to my next charge against Colonel Ovans, permit me to lay before you the opinion of an English Barrister, in reference to this case of subornation of evidence against the Raja.

Mr. Nicholson, in his analysis of the printed evidence, referring to the commencement of Colonel Ovans's career at Sattara says, (pp. 37, 38 :)—

“ A system of espionage, or more properly, a political inquisition, was established at Sattara. Liberal rewards and indemnities for evidence touching the Raja's supposed intrigues, had been offered, on the receipt of Girjabae's petition. To take one instance as an example.”

He then refers to the subornation of Bhow Leley, and proceeds :—

“ Here we have a *direct attempt* to procure evidence against the Raja by means of a BRIBE. Other proceedings of a similar kind might be enumerated, but the case above mentioned is sufficient to test the value of the following AFFIDAVIT of Colonel Ovans :—‘ I, Charles Ovans, Lieutenant-Colonel of the Bombay Army, and Resident at Sattara, do hereby *solemnly make oath* and depose, that this accusation is utterly false, and that I never, DIRECTLY or INDIRECTLY purchased the evidence of any witness or witnesses whatever AGAINST the Ex-Raja of Sattara, as above set forth.’ ”

Mr. Nicholson then adds :—

“ If the transaction with Bhow Leley was not ‘ purchasing evidence directly or indirectly,’ it is difficult to understand the meaning of words.”

## II.—INTERCEPTION OF CORRESPONDENCE.

The next feature in the conduct of Colonel Ovans, as disclosed by these papers is, the practice, through a series of years—that is, from the time of his arrival at Sattara, until after the dethronement of the Raja—of intercepting, opening and perusing the whole of the correspondence between the Prince whom he was bound by treaty to advise, and of all persons connected with him. A very large portion of these voluminous papers consists of intercepted correspondence. The letters sent by his Highness to his agents—the letters from those agents to his Highness—the correspondence of all persons connected with the Sattara Government—the letters of all persons in every part of India who addressed any communications to the Raja—the letters of Dr. Milne, the President of the Bombay Medical Board—the letters of Captain Cogan, a captain in the Indian navy, and a justice of the peace in Bombay

—the letters of Mr. Baber, a magistrate on the Malabar Coast—these and a great variety of other intercepted documents are to be found in these printed papers. I have searched in vain for any explicit instructions to Colonel Ovans to adopt such a mode of proceeding. I have searched in vain for any direct sanction of such a proceeding. I have in vain endeavoured to find, in the circumstances of the case, or in the contents of the correspondence intercepted, an occasion for such a proceeding. I have several times before alluded to the fact, and it is one which cannot be too much dwelt upon—that there is not to be found, throughout the whole of this intercepted correspondence, a solitary trace of any hostile intrigue against the British Government. Can any sane man believe it possible, that the Raja of Sattara could be engaged in widespread machinations for the overthrow of the British Government in India, and that the whole of his correspondence for three years should be destitute of any allusion to his designs? Remember! this intercepted correspondence contains the most confidential instructions of the Raja to his various agents and friends, and their most confidential communications to him. This intercepted correspondence lays bare all the plans and purposes in the bosom of the Raja and his adherents. This correspondence is a complete revelation of all that was said, and thought, and intended, and desired. And what does it prove? That the Raja was a traitor? That he was alarmed at the prospect of his treason being discovered by the British Government? That he was employed in subtle stratagems to suppress evidence, and buy off witnesses, and mislead his prosecutors? No. It is a correspondence demonstrating that the Raja and all persons acting with him, and for him, were honourable men. The contents of these confidential communications are in perfect keeping with every official communication to the Resident. Now that we have this intercepted correspondence in our possession, we see at once how pure, how upright, how honourable and how noble was the whole conduct of this most ill-used Prince. For his sake, and for the truth's sake, I am inexpressibly thankful that we have the fruits of this official delinquency before us. I repeat it; if I had no other evidence of the innocence of the Raja before me, than that which is furnished by this intercepted correspondence, I

should hold him absolutely guiltless of every charge brought against him, and regard him as a truly upright and excellent man. This correspondence has never been brought forward against the Raja. I have never seen or heard a single syllable of it quoted, either as direct or collateral evidence of his guilt. Does not this fact strike those who hear me as wonderful? Is it not one of the most striking proofs of the perfect guiltlessness of the man who has been de-throned? Is there a parallel to this fact in the history of the world? What is the object of all this correspondence? Simply this—to obtain an impartial inquiry into the case got up against the Raja. This, the Resident is himself obliged to admit. But, if this confidential correspondence has never been used against the Raja—has never been brought into Court—has been most studiously kept in the back-ground, and for the reason I have stated, that it is the most irrefragable evidence of the purity of the Raja's intentions, and the absolute justice of his cause,—then, it may be asked, what use, if any, was made of it? I will answer that important question. It was used as a means of basely counteracting and defeating the earnest endeavours of the Raja to obtain justice, and to place his situation in a correct point of view before the Government. It was used as a means of ascertaining who were the Raja's friends. What those friends thought of the plots against the Raja; what measures were in progress to defeat these plots; what knowledge was possessed of the schemes going on at the Residency. Mail-bags were rifled; the sanctity of public conveyances was invaded; post-masters were bribed; seals were broken; messengers were waylaid; spies were employed; and, in fact, treachery, dishonesty, and felony were every day committed, for the purpose—the sole purpose—of preventing the truth from being brought to the knowledge of the Government. Sir, if this Court grants the Committee I am about to move for, I pledge myself to prove all this. I will demonstrate to you, that in every instance where the Raja made an effort to bring the truth before those who were to be the judges in his cause, he was foiled, circumvented, and defeated, by the diabolical artifices employed by those who had, through the vilest and most criminal means, obtained a knowledge of the contents of his secret correspondence. For three years I find Colonel Ovens con-

ned with these most infamous proceedings ; I find him misrepresenting, abusing, and maligning all who were actively engaged in the disinterested and honourable work of affording succour and advice to the Raja. I find the most respectable men calumniated in the secret correspondence of Colonel Ovans. I will mention two men who were the victims of this most mean, insidious, and brutal conduct. I mention them because they are dead ; they are Dr. Milne and Mr. Baber. These honourable, humane and just-minded men, did not live to see in print the vile stigmas cast upon their character and motives by Colonel Ovans. They died ignorant of the efforts made by that person to degrade and cashier them. What was the object of this ? It was to prevent the success of their efforts in behalf of the Raja. Grant me a Committee, and I will prove from these papers, not only the practice of intercepting letters, but will prove that that practice was converted into a means of defeating the ends of justice, of preventing the publication of the truth, and of injuring and degrading honourable men. I will do more. Allow me to call living witnesses of the highest character, and I will prove that Colonel Ovans intercepted and broke the seals of British officers for the purpose of learning what their opinions of his own conduct were ; and when he found that those opinions were unfavourable, did all in his power to injure and degrade them. I am deeply sensible of the serious nature of these charges. I am aware that I accuse Colonel Ovans of what in this country amounts to felony, but my proof is ready when the tribunal shall be appointed.

### III.—THE EXTORTION OF EVIDENCE IN THE CASE OF GOVIND RAO.

Govind Rao is the son of the lady of the name of Girjabace, to whom the petition which has been shown in this Court to be a forgery, was ascribed. Govind Rao is a Brahmin, and a man of rank, and in 1836 was in Sattara, and high in the esteem of the Raja. He was a friend and favourite of the Raja, but never actually filled the office of Dewan, or Minister. I am aware he is always called Dewan, and ex-Dewan. Those who were at the bottom of the plots against the Raja, found it very convenient to speak of him as the Raja's Minister, because they thereby strengthened their case

against his Highness. Govind Rao was accused by two native soldiers of being implicated with the Raja in an attempt to seduce the soldiers of one of our regiments. In the course of the recent debate, I exhibited the conduct of Govind Rao on his first hearing of the accusation against him. After his apprehension he was imprisoned in an empty powder magazine. In other words, he was immured in a living tomb, with soldiers with fixed bayonets to guard him. So strict was his confinement, that the food brought to him was placed on the ground on the outside of the dungeon, and the attendants were made to retire before the prison door was opened. When brought before the Commission, Govind Rao asserted his innocence, and denied all knowledge of the alleged plot. On the 11th January, 1837, he was removed to Poonah, where his restraint was of a milder kind. One of the first acts of Colonel Ovans was to obtain the removal of Govind Rao to the fortress of Ahmednugger. He was sent there under an armed escort; he was placed in the common gaol; his cell was small, confined, and unwholesome; he was allowed to see no one but his own servant; and instructions were given to intercept his correspondence and forward it to the Government. In the mean time, certain parties in Sattara imposed upon the Government, by sending an account of the petition, which was false from beginning to end, but which induced the Government to believe that it was the genuine petition of Girjabae. This document implicated Govind Rao, and many other persons, in a conspiracy against the British Government. Its contents were represented by Colonel Ovans as the information which Govind Rao had given, and Colonel Ovans said it might be regarded "as, in fact, the confession of Govind Rao himself." Anxious, however, to extort from Govind Rao an acknowledgment of his concern in it, Colonel Ovans dispatched a secret emissary, a man of the name of Sukharam Bullal, to Ahmednugger, to obtain a statement confirmatory of the truth of the petition. Sukharam Bullal was the uncle of Govind Rao, an adherent of Appa Sahib the Raja's traitorous brother, a friend and creature of Ballajee Punt Nathoo's, and the chief fabricator of the falsehoods which had been previously sent to the Bombay Government. On the arrival of this man at Ahmednugger, he was permitted to have free access to the dungeon of Govind Rao. It

appears that he was for sixteen or eighteen days in constant communication with the prisoner. At the end of that time Mr. Hutt, the Judge at Ahmednugger, was called upon to receive from the hands of Govind Rao, a paper which had been previously written. This paper was dated the 24th of August, 1837. This paper was the same day sent to Government, as the genuine confession of Govind Rao. The order for Govind Rao's removal to Ahmednugger is dated the 1st July, 1837, the order for his release is dated the 15th September, 1839, ten days after the dethronement of the Raja. On the 7th of October, the day of his arrest, when questioned in the presence of the Raja, respecting his knowledge of the alleged plot, he burst into a fit of laughter, and all the people laughed with him. He was surrendered by the Raja without demur, denying at the time all participation in, or knowledge of the conspiracy. In the proceedings of the Commission we find him giving the following evidence :—

“ I am prepared, of my own free will and pleasure, to speak the truth. I am an hereditary servant of his Highness the Raja of Sattara. My father was Dewan ; he died ten years ago. I am now Acting Dewan, and receive 800 rupees per mensem.

“ Q. Have you any statement to make before this commission ?—  
A. I will answer whatever question I am asked.

“ Q. Do you know any of the native officers or sepoy's of the 23rd Regiment, now at Sattara ?—A. *I am not acquainted with any native officers or sepoy's of the regiment now here.*

“ Q. Have any of the native officers ever visited your house, to make their salaam or on any other account ?—A. *No ; they never came to my house, and I have no knowledge of any of them.*

“ The Commission now fully and explicitly explain to the prisoner the nature of the charges against him, and the evidence upon which they are founded. The prisoner *declares that the whole of what he is accused is false.*”

During the time he remained in Sattara he made no confession ; during the time he was in confinement at Poonah he made no confession ; and when at Ahmednugger, he made no confession, until the secret agent of Colonel Ovens had been for sixteen or eighteen

days incessantly occupied in tampering with him. Now, compare the confession he is said to have made at Ahmednugger, with the Petition and its accompaniment, which are described by Colonel Ovans as, in fact, the confession of Govind Rao, while he was at Poonah. Here is his confession :—

“I make the following representation, that the circumstances (therein contained) may become known to the Government; that Untagee Wagh did bring the two soobedars of the pultan (regiment) to me. They were once taken to the Maharaj, (the Raja of Sattara,) and Maharaj, taking them privately aside, did speak to the soobedars about (forming) friendship, and other matters.”

Now, sir, without referring to the repeated declarations which Govind Rao, since his release, has made, that this confession was extorted, allow me to ask if this transaction, as officially reported in the letters of Colonel Ovans, of Mr. Hutt, and the Bombay Government, does not bear upon its face the marks of being a deliberate, wilful, and infamous extortion? I am happy to say it has been so regarded by every gentleman, but one, who has referred to it in this Court. Who is the real author of this report? Without a doubt, he is Colonel Ovans. This extortion is an integral part of a complicated scheme of villany for the purpose of dethroning the Raja. It was Colonel Ovans who called Sukharam Bullal to his aid, on his first arrival at Sattara. It was Colonel Ovans who sent Sukharam Bullal in pursuit of Girjabae. It was Sukharam Bullal who brought to Colonel Ovans the person who personated Girjabae. It was Colonel Ovans who employed Sukharam Bullal to write the statement which was palmed upon the Bombay Government as the statement of Girjabae. It was Colonel Ovans who assured the government that the inventions of Sukharam might be relied on as the truth; and it was Colonel Ovans who despatched Sukharam to Ahmednugger, to extort from Govind Rao a confirmation of the story that had been told. I propose, therefore, that the conduct of Colonel Ovans in this matter should undergo investigation by a committee. I am prepared with the evidence necessary to support every allegation I have made. I do not ask you to adopt my opinions, but to give me an opportunity of laying evidence before others, upon which they



may found their own opinions ; and I am both willing and anxious that the evidence I bring forward should undergo the most rigorous and sifting examination. Before I dismiss this part of the subject, I must refer to one singular circumstance connected with it. Govind Rao placed his confession in the hands of Mr. Hutt on the 24th of August, 1837, and yet he was not released from prison until the middle of September, 1839. If considered guilty, why was he then dismissed ? If not guilty, why was he kept a prisoner ? If the Raja deserved dethronement, why did Govind Rao escape ? If Govind Rao was entitled to his release, why was the Raja dethroned ? If the evidence against Govind Rao be true, he was the main instrument in entrapping the Raja, and was therefore one of the most guilty parties. If the evidence against Govind Rao be false, why was the Raja punished upon it ? But it is not difficult to understand the reason for keeping Govind Rao at Ahmednugger. Those who obtained his confession knew it to be false, and therefore could not allow Govind Rao to be at large, until their guilty plans were accomplished, and the victim of their conspiracy was hurled from his throne. The following is a petition just received from Govind Rao.

#### PETITION OF GOVIND RAO, JULY 16, 1845.

*( Translation. )*

TO THE HONOURABLE THE COURT OF DIRECTORS OF THE EAST  
INDIA COMPANY.

The petition of Govind Rao Wittul (late in the service of the Raja Chuttraputtee, now at Benares,) 16th July, 1845. To that enlightened and equitable body, (the Court of Directors,) this true statement is now addressed ; to explain the particular circumstances of my case. When the two Native Officers of the 23rd Regiment of Native Infantry informed the Resident, Colonel Lodwick, of the calumny they had raised, accusing me of treason, he (the Resident) sent to the Maharaj (the Raja of Sattara) for me, and placed me in confinement ; after which, Mr. Willoughby and Colonel Ovans were deputed to inquire into the business, and formed a committee, in conjunction with the Resident, for that purpose : and, on that occasion, on being confronted with my calumniators, I declared their

statements were false. Though there was no evidence to convict me, yet considering me under suspicion, I was sent to Poonah, to be placed under the surveillance of the judge ; after which, with no other view but to give me further uneasiness, I was sent to Ahmednuggur, and placed in confinement in a narrow dirty room, where I was forbidden to converse with, or see any one ; and so my condition was more wretched than before. While there, my uncle, (Sukharam Bullal,) who is a servant of Appa Sahib, the present Maharaj, and (what I was not at the time aware of) an accomplice of Ballajee Punt Nathoo, was brought to me, and had an interview with me ; from him I was led to believe that the severity of my treatment at the hands of the Bombay Government arose from *my not telling the story they wanted me to tell*, and that without my doing so, I could expect no relief ; and indeed, that my life would be endangered by my obstinately adhering to the truth, which could not possibly be of any service to me ; moreover, that since the Government *had determined on the ruin of my master, at all events*, no good could come of my adhering to the truth now ; so that I had far better, just for the present, admit in writing *what they wished* ; for this was not a time when truth would avail anything. Being persuaded by this, I wrote as I was desired ; after which, hearing that certain enlightened and just persons in London had taken into consideration the injustice done to my master, and were inclined to assist him, I wrote and sent to London a declaration, dated 8th January, 1842, in which the true state of the case was set forth. Now, if the judge of Ahmednugger, Mr. Hutt, and other officers, were sent to, and questioned, they would not say that I was *forced* to write what I did, but they would of course say that all they did was right and proper. What I wish especially to impress upon the mind of the enlightened Court is, that at first, when at Sattara, I was placed in confinement *in a Gunpowder Magazine*, in great discomfort, and when brought from thence before the Commission, and confronted with my calumniators, *I stated what was strictly true*, namely, that *I knew nothing of any conspiracy*. And when that investigation was over, every sort of annoyance was resorted to, in order to induce me to write what was wanted ; that is to say, by removing me from Poonah, and imprisoning me at Ahmednugger,

where I was ill-treated, and finally, the writing mentioned extorted from me. The injustice and cruelty of this is plain enough surely, for the Government had no sooner obtained the requisite admission in writing, than *I was taken out of prison*, and had permission to go about and take the air; so that the chief object was to get the admission written; otherwise, why was I for *three years* in prison *after the investigation* before the Commission; being first sent to Poonah, and then to Ahmednugger, and so about from place to place, for the purpose of annoying and distressing me. I do not think any other reason can be given, and no doubt the same will be equally plain to the Honourable Court. The Bombay Government have been guilty of injustice, through listening to the advice of disaffected persons. There is no doubt of this. Except through the interference of the honourable Court, I have no hope of obtaining fair and even-handed justice; and I have the fullest confidence in the willingness of the Court to bestow it. This, my petition, is now laid before the honourable Court.

(Signed)

GOVIND RAO WITTUL,

In his own hand.

The official documents to which I would refer you on this part of the subject are—

1. The petition ascribed to Girjabacee, but which, as has been demonstrated in this Court, was the fabrication of Lukhsmun Punt and Krushnajee Sadasew Bhidey, at the instigation of Ballajee Punt Nathoo. p. 527.

2. The conduct of Govind Rao at the time of his arrest by order of Colonel Ovens. p. 334.

3. The examination of Govind Rao before the Commission. p. 340.

4. The petition of Girjabacee on behalf of her son, on his removal to Ahmednugger. p. 609.

5. The extraordinary proceeding of the Government on the receipt of that petition. p. 609.

6. The confession extorted from Govind Rao by Sukharam Bulal, the secret emissary of Colonel Ovens. p. 609.

7. The voluntary declaration of Girjabacee, dated the 11th June,

1838. Papers ordered by the House of Commons, 4th July, 1845, p. 14. No. 449.

8. The voluntary declaration of Govind Rao, dated 8th January, 1842. *Ibid.* p. 15.

9. The voluntary declaration of Girjabae, dated 19th February, 1843. *Ibid.* p. 15.

10. Answers to questions, represented to have been made by Govind Rao, on the 9th and 11th September, 1837. Par. Papers, No. 569 of 1843. p. 871.

11. Statement said to have been made by Govind Rao, on the 21st November, 1837. p. 878.

In reference to the statement ascribed to Govind Rao in the last two documents, I may observe, that I am utterly unable to discover any correspondence between the Bombay Government and the Judge at Ahmednugger, by whom they are said to be attested. It is also another singular fact, that these statements follow upon the receipt of letters from the Government of India, declaring the evidence already before them insufficient, and requiring the Government of Bombay to close the proceedings against the Raja. Remembering the frequent instances of forgery and personation which have been detected in the course of this inquiry, I cannot resist the conviction that these documents were either fabricated by other parties, or were obtained in the same manner as the confession of the 24th of August. I shall have occasion, hereafter, to refer to the letters from the Government of India which called forth these supplementary statements ascribed to Govind Rao. I am not without hope that I shall be able to clear up the mystery in which the fabrication of these documents is at present enveloped.

#### IV.—SUPPRESSION OF EVIDENCE IN THE CASE OF KRUSHNAJEE SUDASEW BHIDEY.

Sir, I may be very brief upon this part of the subject, as we have recently witnessed in this Court a masterly and triumphant exposure of the unprecedented rascality practised in reference to the depositions of this man Krushnajee. As, however, I am about to move for an inquiry into the conduct of Colonel Ovans, it is necessary that I should recapitulate the circumstances connected with

what has been properly called the “damning feature” of the proceedings against the Raja. On the 12th of August, the Bombay Government were assured by Colonel Ovans that there was no room to doubt that the petition which had been sent in March was genuine; that Govind Rao furnished the information which it contained; that Girjabae advised the writing of the document; and that it was written by a man of the name of Mahdeo Fugery, in the house of Sukharam Bullal, the brother-in-law of the mother of Govind Rao. Sukharam Bullal, at the time Colonel Ovans wrote this letter to Government, was already closeted with Govind Rao in his dungeon at Ahmednuggur! On the 26th of August, the Government of Bombay were in possession of the extorted confession of Govind Rao—the only thing required to finish and complete that part of the plot. It is now demonstrated, that on the 7th of September, Colonel Ovans obtained the fullest possible proof that every representation he had forwarded to Government was false,—utterly, absolutely, and designedly false. On the 7th September, he had the real writer of the petition before him, that man being a living person of the name of Krushnajee Sadasew Bhidey, and not an imaginary one, as Mahdeo Fugery was. He had the proof before him, that this man was employed by a person of the name of Lukhsmun Punt Shekdar, and not by Sukharam Bullal. He had the proof before him, that the petition was written while Govind Rao was in Sattara, and not, as had been stated, when Govind Rao was a prisoner at Poonah. He had the proof before him, that the petition had been posted in the village of Punderpore, within the Sattara territory, and not at Poonah, the place of confinement of Govind Rao. He had the proof before him, that the real writer had been bribed by the promise of a large reward to undertake the writing and sending of the petition. He had the proof before him, that the first words of the petition had been added to the document, long after the body of the petition had been prepared. He obtained from Sukharam Bullal a confession that he had given an utterly false account of this petition. And yet, he suppressed this evidence from the knowledge of the Government for upwards of eleven months.

On this subject I would refer the Court to the following official documents :—

1. Instructions to Colonel Ovans, on his appointment as Acting Resident at Sattara, June 13, 1837, p. 361.
2. Letter of Colonel Ovans to Government, 24 June, 1837, p. 369.
3. Ditto, ditto, 3 July, 1837, p. 372.
4. Ditto, ditto, 21 July, 1837, p. 376.
5. Ditto, ditto, 12 August, 1837, p. 386.
6. Deposition of Sukharam Bullal, 30 July, 1837, p. 620.
7. Deposition of Krushnajeel Sadasew Bhidey, 7 September, 1837, p. 1028.
8. Ditto, ditto, 20 September, 1837, p. 1029.
9. Letter of Colonel Ovans to Government, 16 August, 1838, p. 436.

I may also refer you to the contents of the various petitions presented by Krushnajeel to the Bombay Government, to the Court of Directors, and to the British Parliament. These are not necessary as evidence, to establish the charge of concealment and suppression ; but they throw considerable light upon the motives of the various parties concerned in this nefarious transaction, and show who were the original instigators of the foul deception so successfully practised upon the Government of India, and, through that Government, upon the authorities in this country.

I may here also say a word by way of accounting for a discrepancy which has been frequently noticed in the progress of these discussions. The petition ascribed to Girjabee is stated to have been put into the post-office at Punderpore on the 10th of February, but to have reached the hands of the Chief Secretary, at Bombay, only on the 6th of the following March ; and we have the authority of the Secretary for saying (p. 528) that it then bore the *Poonah*, and not the Punderpore, post-mark. I think I can account for both these circumstances. If you refer to the evidence of the petition itself (p. 527) you will find that it is addressed to the Right Honourable the Governor of Bombay. If you read the evidence given by

Krushnaje, on the 20th of September, 1837, (p. 1031,) you will find that he distinctly states that the petition was addressed by him to the Governor, and sent through the Punderpore post to Bombay. Again, if you turn to the evidence of the man in the post-office at Punderpore, (p. 1031,) you will find him affirming that the petition was addressed to the Governor himself. Turn now to the recorded proceedings of the Bombay Government, and you will find that the Governor, Sir Robert Grant, was on the 6th of March, at Poonah, to which place the petition was forwarded immediately after it came into the hands of Mr. Wathen, the Secretary. You will find also, that Ballajee Punt Nathoo was at Poonah, and that, until the appointment of Colonel Ovans, when he accompanied that officer to Sattara, he was the confidential agent and adviser of Sir Robert Grant, and of his private secretary, Major Felix. Now, the inference I draw from these facts is, that the petition posted at Punderpore on the 10th of February, came, in the regular course of post, into the hands of Sir Robert Grant, and that in the interval between that date and the 6th of March, it was under the consideration of the Governor and Ballajee Punt Nathoo, (the secret instigator of it,) and that it was then placed in another envelope, and addressed to the Secretary of the Bombay Government. If gentlemen will take the same trouble as I have done to understand these papers, they will, I believe, like me, come to the conclusion that the petition was in the hands of Sir Robert Grant and Ballajee Punt Nathoo, at Poonah, full three weeks before it reached Mr. Wathen, and that it was by them, or by their orders, that it was sent from Poonah to Bombay.

#### V.—GROSS FRAUD UPON THE BOMBAY GOVERNMENT.

Sir, upon the faith of the false information sent to the Bombay Government, that Government granted plenary power to Colonel Ovans to seize and imprison the persons denounced in the petition. Colonel Ovans accepted the power thus delegated to him, and used it to arrest and incarcerate whomsoever he pleased. He played the part of a despot in Sattara. All real power and authority were in his hands, backed as he was by the British troops under his command at Sattara. Still acting upon the information in the petition,

and still concealing the fact of its falsehood and forgery from the Government, he pushed his secret inquiries in all directions, and proclaimed indemnity to all who would give evidence against the Raja. Still keeping the evidence he had obtained secret, he sent report upon report to his Government, heaping charge upon charge against the Raja—the genuineness of the petition being all the time the keystone of the arch—the connecting and sustaining portion of the entire fabric. During the twelve months of suppression, the Bombay Government and the Government of India recorded voluminous Minutes against the Raja, all based upon the reports of Colonel Ovens, and all written in entire ignorance of the fabrication and forgery of the document that had led them to invest Colonel Ovens with the power which he exercised, and to authorize the investigations he was carrying on. In these Minutes, the letter written by Colonel Ovens on the 12th of August is referred to, as containing a true history of the petition, and the proof of its genuineness. These Minutes were transmitted to this house to determine the judgments and decisions of the Court of Directors, and I shall be prepared to prove, that the case against the Raja had been virtually closed, before the fraud was detected. As the charge which I now propose to establish, affects not only the character of Colonel Ovens, but also the decisions of all the Indian authorities, as well as those which have been given in this house, I shall on the present occasion go somewhat at large into the nature of the proof which I am prepared to tender to the consideration of a Committee, if you should consent to my motion.

On page 98 of the printed papers, is a despatch from the Government of India to the Government of Bombay, reviewing the evidence against the Raja, down to the 20th of July, 1837. This despatch is dated Fort William, August, 1837. The following is the concluding paragraph :—

“ I am directed to state the anxious wish of his Lordship in Council to learn, at the earliest moment possible, what prospect there may be, under present circumstances, of throwing new light upon this subject by further investigation; and, if the Government should be in danger of becoming involved in an indefinite and inconclusive inquiry, in what mode it may



best be advisable to terminate the proceedings, rather than continue them under the inconvenience which the lapse of time, political intrigue, and the uncertainty of Indian evidence, combined with the obscurity of the case, in regard to its extent and importance, must give to them."

Let me now revert to what took place after the receipt of this despatch. In the first place, the confession of Govind Rao was extorted through the agency of Sukharam Bullal. This was sent to the Government of India, to strengthen their belief in the genuineness of the petition. Accompanying this was the letter of Colonel Ovens, dated the 12th of August, assuring the Government that the utmost reliance might be placed upon the story he had told respecting the origin and authorship of the petition.

There is next, a letter from Col. Ovens to the Government, dated September 6th, 1837, (p. 388.) This letter is a report regarding the twelve persons denounced by name in the fabricated petition ascribed to Girjabae. This letter is referred to by Sir Robert Grant (p. 128) as containing, along with the letter of the 12th of August, a history of the petition. In this letter Colonel Ovens informs his Government that he has arrested Bulwunt Row, the Raja's Secretary, and has confined him at the Residency. As, however, Bulwunt Row has hitherto met every charge brought against himself and his master with a positive denial, Col. Ovens proposes that he should be removed to strict confinement at Poonah. He also informs his Government that he has apprehended and placed under restraint another highly respectable friend of the Raja's, of the name of Dinkur Rao Mohitey. After referring to some inferior personages, he concludes by a recommendation that the cousin of the Raja—the first officer under the Government, and in a near relation to the throne—that he also should be arrested, and if necessary placed in confinement. This cousin of the Raja's was a man of irreproachable character, against whom Colonel Ovens himself was unable to find a shadow of evidence. He had, however, been denounced by name in the petition—as, indeed, every person had been who was a known and influential friend of the reigning prince; and it was the object of Colonel Ovens, first, to detach from the Raja every person of ability and

fidelity, and then to try the effect of imprisonment and other methods upon them, for the purpose of obtaining evidence. Such was the nature of the despatch written one day before the evidence of Krushnajee was taken—that evidence which completely falsified every syllable of the account which Colonel Ovans had sent to his Government, and demonstrated that the persons he had taken into his confidence, and was employing as his agents, were of the most infamous and treacherous character. I am prepared to prove that, at the time Colonel Ovans sent his despatch of the 6th of September to Bombay, *he knew that Krushnajee was in Sattara*. I will not undertake to say that he knew the nature of the evidence Krushnajee was prepared to give; but he has himself proved that he took that evidence the following day, *and then suppressed it for eleven months*.

Let us follow his letter of the 6th, to Bombay.

This letter was taken under the consideration of Sir Robert Grant on the 22nd, and a minute of some length was written in reference to its contents. Krushnajee had now given his evidence for more than a fortnight, but not a word of it had been sent to Government. Every particle of the information which had been previously sent to Sir Robert Grant, *had been proved by Krushnajee to be absolutely false*, but not one word of this was made known! Two days before the writing of this minute, Colonel Ovans received from Krushnajee a number of documents of the very highest importance. These, as well as Krushnajee's own written deposition of the 7th, might have been before Sir Robert Grant at the time he wrote his minute of the 22nd. The letter written by Col. Ovans on the 6th, announced that he had proceeded to seize and imprison the chief men in Sattara, *in consequence* of their names having been put into the petition. That letter was also an application for permission to send several of them to distant, separate, and solitary confinement, and to go so far as even to arrest and imprison one who was the near relation of the Raja, and the highest officer under the Government. All these acts and recommendations proceeded upon the fact (*declared by Col. Ovans to have been fully established!*) that the petition was the *genuine* petition of Girjabae, and contained the *voluntary confession of Govind Rao*. The evidence at this time in

the possession of Col. Ovans *falsified that fact*, yet he wilfully and deliberately kept it back ; and hence, at the time Sir Robert Grant wrote the minute before me, *he was the victim of a fraud put upon him by Colonel Ovans*, and was made the unwitting instrument of practising a fraud upon others. It could not but be so. Col. Ovans was at the fountain head of information ; and at this time, and long afterwards, was regarded as a trustworthy man. In this minute of the 22nd, Sir Robert Grant approves of all that has been done by Col. Ovans, and consents to the removal of Bulwunt Rao to Poonah ; but doubts the propriety of seizing the Raja's cousin, as in the event of the deposal of the Raja, and the refusal of the Government of India to set up *the brother* in his place, Balla Sahib Senapattee (the cousin) would be the proper representative of the family. All other persons in Sattara are left to the disposal of Col. Ovans. On the day following Sir Robert Grant's minute, we have a letter from the Bombay Government to the Government of India, (p. 102,) referring the latter authorities to the contents of the letters of Colonel Ovans for all information relative to the development of the intrigues of the Raja of Sattara. This letter contains also, a most calumnious attack upon the late Dr. Milne, for his advocacy of the Raja's cause. The object is apparent. It is to induce the Government of India to withdraw the permission given to Dr. Milne to communicate with them on the subject of the Raja's affairs. We have, besides, a letter on the 25th, (p. 103,) also directed against Dr. Milne, and stating, that the Bombay Government had refused the former, permission to go to Sattara.

Let me now solicit special attention to a despatch from the Government of India, in reply to letters from Bombay down to the 4th of September. I commend it to the consideration of those who are in the habit of saying, that the guilt of the Raja was from the first proved to the satisfaction of all the Indian authorities.

‘ To W. H. WATHEN, ESQ., CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

“ Sir,

Fort William, October 2, 1837.

“ 1. I am desired by the right honourable the Governor-General of India in Council, to acknowledge the receipt of your several letters, dated

the 30th of August, and 1st and 4th ultimo, together with their respective enclosures, relative to intrigues at Sattara.

“ 2. Copies of the letters to your address, dated the 7th, 21st, and 31st of July, referred to in the Acting-Resident's letter of the 12th ultimo, *have not been furnished to the Governor-General in Council*; but, judging from the evidence which accompanied your communications now acknowledged, his Lordship in Council has no hesitation in stating, that *his worst apprehensions* as expressed in the concluding paragraph of my letter to your address, dated the 7th of August, as to the ‘danger of becoming involved in an indefinite and inconclusive inquiry,’ have every appearance of being fully realized.

“ 3. The Governor-General in Council had mainly relied on the result of the investigation which might be instituted, *consequent on the alleged petition of the Dewan's mother*, for a solution of any doubts which might be entertained as to the accuracy of the conclusions formed by the Commissioners on the occasion of the previous inquiry, and for something more of intelligible precision in its results. By the Report of the Commission the Raja of Sattara was left subject to *the imputation* of every shade of guilt, from that of lending himself to the machinations of the evil-disposed, under the influence of discontent and partial insanity, and irritated by supposed ill-usage, up to that of an extensive treason, in a great degree matured, and having for its object the entire overthrow of the British power in India. *Much of the evidence* by which even *this imperfect result* was obtained was *uncertain and unsatisfactory*; and, whilst his Lordship in Council was willing to place confidence in the judgment of the Commission, he felt that the case was incomplete, and that to justify the Government in any strong and final measure, further information was absolutely necessary. But from all the papers which have since come before him, *he has seen increased reason to doubt whether any certain grounds of action can possibly be obtained*, amidst the *intrigues*, the *personal animosities*, and the *exaggerated rumours* of all descriptions, by which the investigation into the *petty and obscure details* of the SUPPOSED treasonable proceedings of the Raja has been surrounded and embarrassed.

“ 4. The evidence relative to the alleged intercourse of the Raja of Sattara with the ex-Raja of Nagpore, as detailed in the documents which accompanied your letter of the 1st ultimo, is, in the opinion of his Lordship in Council, *in the highest degree suspicious*. The alleged communication between Yeltjee Bappoo, and the ex-Raja of Nagpore, is admitted to have *originated in some domestic concern*. The evidence of that indi-

vidual and his servant are *full of discrepancies*, and it was only after repeated cross-examinations, that they were *induced to implicate the Raja of Sattara* as having any knowledge of the communications. *It is remarkable* that Yellojee is represented as having been the person through whose means the intercourse between the Raja of Sattara and the ex-Raja of Nagpore was first set on foot ; and yet the two witnesses, Abba Mahreek and his servant Wittoo, deposed that the latter was sent to Joudpore to ask whether Yellojee Bappoo sent people there.

“ 5. The Governor-General in Council *sees little or nothing* in the evidence recorded in the documents which accompanied your letter of the 4th ultimo, *to inculpate the Raja*. There is *no direct evidence against his Highness, of any kind*, as regards the supposed intrigue with the Hubshee, save that the Hubshee’s vakeel, who was a relative of Bulwunt Rao Chitnavees, was introduced to his Highness ; that the Raja read a letter, and afterwards threw it into the fire ; and that he received a present of coconuts from Bulwunt Rao Chitnavees. *Against the last-named individual no criminality is established*. There is nothing of a treasonable nature in the paper found concealed in the doll, and, if there was, *evidence has been given to prove that he* (the Chitnavees) *was not the author of its contents*. His Lordship in Council, of course, *attaches no weight to the unsupported rumours of intrigues in all directions alluded to by the witnesses, whose depositions accompanied your letter of the 4th ultimo*. His Lordship in Council observes, that the expressions contained in the 6th paragraph of your letter to the Acting-Resident, that the witness Wittul Rao Parusnees saw himself ‘poshak (clothes) and a sword sent to the Raja from the Hubshee,’ would appear to imply more than was actually stated by the witness, as his Lordship in Council cannot discover that Wittul Rao asserted he saw the things in question actually sent to the Raja.

“ 6. As for the alleged combinations with the Portuguese and with Arabia, alluded to in the documents which accompanied your letter of the 31st ultimo, the Governor-General in Council could not but regard such plots, even had the accounts which had been furnished of them seemed less improbable than they do, to be *too extravagant to be entertained for a moment by any person in his senses, while it appears from the Report of the Commission that the Raja of Sattara is by no means deficient in understanding*.

“ 7. The Acting-Resident, in the 9th paragraph of his letter to your address, dated the 12th ultimo, observes, the time necessary to bring these proceedings to a close will necessarily be prolonged ; and with reference

to this declaration, to the length of time which has already elapsed since this investigation commenced, and to the excitement and alarm which inquiries so extended and protracted must necessarily occasion, I am desired to *repeat the suggestion* contained in the concluding paragraph of my letter dated the 7th August, and *yet more strongly* to urge the *inconvenience and uncertainty* of these proceedings, and the *absolute necessity of bringing them to an early termination*. In the hopelessness that any further evidence will be otherwise than inconclusive, and looking to the utmost degree of criminality which, in any view of the testimony before the Commission, may be regarded as clearly and absolutely established; looking too, to the interval which has since elapsed in inquiries leading to no further definite and important disclosures, his Lordship in Council would gladly find that the Right honourable the Governor in Council is disposed to concur with him in opinion, and would *close the proceedings, apprising the Raja that, although several suspicious circumstances regarding his Highness have been elicited during the progress of this inquiry, yet the British Government is unwilling, without the clearest proof of guilt, to condemn any of its allies, especially one who has been so pre-eminently the object of its favour and generosity; that further investigation is deemed inexpedient*, with reference to the general inconvenience it creates; and that the Right honourable the Governor in Council is therefore pleased to close the inquiry, *with the expression of his hope that the Raja will so conduct himself for the future as to avoid the predicament (no less painful to the British Government than to his Highness) in which he has recently been placed*.

“ 8. As regards the Dewan, who is now understood to be in confinement at Ahmednuggur, his Lordship in Council observes, that if the suggestion contained in this letter should be adopted, *the liberation of the individual in question will probably follow the cessation of further inquiry into the conduct of the Raja*.

I have, &c.,

“ (Signed) W. H. MACNAGHTEN,

“ Secretary to the Government of India.”

Let me now call your particular attention to another despatch from the Government of India, (p. 111,) acknowledging still later communications from the Government of Bombay, including the letters of the 23rd and 25th of September, to which I have referred.

" TO W. H. WATHEN, ESQ., CHIEF SECRETARY TO GOVERNMENT,  
BOMBAY.

" Sir,

Fort William, October 16, 1837.

" 1. I am desired by the Right Honourable the Governor-General of India in Council, to acknowledge the receipt of your several letters of the dates noted in the margin, (September 23 and 25,) together with their respective enclosures, on the subject of the inquiry into the conduct of the Raja of Sattara.

" 2. *The proceedings reported in the communications now acknowledged are NOT, I am desired to state, such as to meet the approbation of his Lordship in Council.*

" 3. That the Raja of Sattara, forgetful of all former obligations, and nettled by an alleged grievance, is disaffected to the British Government, and that he has been led by designing people, enemies either to him or to the British Government, into acts intended to be injurious to that Government, may be conceded; but the result of the late proceedings of the Right Honourable the Governor in Council has, I am desired to add, *tended rather to weaken than to strengthen the case against him*, for they prove either the extent of the falsehood which is mingled with these accusations, or the imbecility with which the Raja is capable of entertaining projects of so wild a description. *Except from the statement which may possibly be made by Govind Rao, his Lordship in Council sees nothing in all this evidence which is likely to throw light upon the conduct of the Raja, so far as it is proper or incumbent on us to inquire into it; and under the circumstances of recent strict duress and expected liberty under which this evidence is to be elicited, it must be received with very considerable caution.*

" 4. Adverting to these considerations, I am desired to state that the papers now acknowledged have strongly confirmed the Governor-General in Council in the opinion already expressed, that this perplexed and protracted scrutiny *should be at once brought to a conclusion*, or at least that all the collateral inquiries which have been in so many quarters instituted should be discontinued as soon as practicable, it being for the real interests of the British Government, whilst it watches and suppresses with vigilance and firmness the active movements of insurrection, *to disregard rumours*, and even in many cases the realities of petty and obscure intrigues, dependence being placed for the internal peace of the empire upon its own manifest strength, and the fears of the disaffected, of whom, in the very nature

of things, from the transfer of power and property, there must be many, and upon the general interests of the population, which cannot but be opposed to violent commotion. His Lordship in Council is sorry at feeling himself compelled to add, that in the present instance, the idea of mistrust and insecurity on the part of the British Government may have been widely spread, from Rajpootana to Madras and Malabar, though *the affair is one of no real importance to our power.*

“ 5. Against the further prosecution of these hazardous proceedings, the Governor-General in Council deems it incumbent upon him to interfere, so as to prevent any further aggravation of this evil. I am desired therefore to convey *the request of his Lordship in Council*, that the Right Honourable the Governor in Council of Bombay will be pleased *to abstain* from all further inquiries upon collateral points, or rather measures of this nature, *leading as they must do to nothing but futile and discreditable results.*

“ 6. The Governor-General in Council will look with some anxiety, though, under the circumstances, *not without suspicion*, to any further confession which he may offer to support by direct and substantial proof *which may be made by Govind Rao*, as tending to *weaken or confirm the original charge* adduced against the Raja, or any of his family, of attempting to seduce our sepoys from their allegiance; and he is of opinion that whatever the Raja of Sattara may have further to state in reply to those charges, *should be fairly taken into consideration before any measures adverse to his Highness, can be taken upon the proceedings already held.*

“ 7. With regard to Dr. Milne, I am desired to state, that though it was intended that his personal statements should not be rejected, it was not designed to admit him as the partisan and advocate of the Raja, and that his intercourse with the Raja is expressly placed under the control of the Bombay Government.

“ 8. I am desired at the same time to state, with reference to the altered state of European society, and to the freedom of access to this country now granted, *the policy may be questionable of discouraging respectable individuals like Dr. Milne from undertaking the defence of natives of rank*, who would probably be driven by such discouragement to resort to the aid of adventurers, careless alike of the reputation of the accused and of their own Government.

I have, &c.,

“ (Signed) W. H. MACNAGHTEN,

“ Secretary to the India Government.”



“ P.S.—Since the above was written, your letter of the 27th and 28th ultimo, with their respective enclosures, have been received, but I am desired to state, that *the contents of those communications do not alter the views which the Governor-General in Council entertains of the impolicy of the collateral proceedings recently held under the authority of the Right honourable the Governor in Council, and his Lordship in Council still adheres to the wish already expressed that the proceedings against the Raja, shall be brought to a termination as soon as practicable.*

“(Signed) W. H. MACNAGHTEN.”

Let me now call your attention to the opinion of the Governor-General of India, as conveyed in a despatch to the Court of Directors three months after this, namely on the 6th of January, 1838, (p. 11.)

“ Para. 32. *I have witnessed with considerable pain the protracted and extended investigations in which the Government of Bombay has thought it necessary to enter in connexion with the original charges against the Raja of Sattara, and I have required that the proceedings be terminated and brought under the review of the Supreme Government at the earliest possible period.*”

Let me now call your attention to the opinion of the Court of Directors, as communicated in a letter to the Governor-General of India, under date of 13th June, 1838, (p. 45.)

“ Para. 1. In a letter dated 6th January, (No. 1 of 1838,) the Governor-General informs us that he has ‘witnessed with considerable pain the protracted and extended investigations into which the Government of Bombay has thought it necessary to enter, in connexion with the original charges against the Raja of Sattara;’ and that he has ‘required that the proceedings be terminated and brought under the review of the Supreme Government at the earliest possible period.’

“ 2. It is our *particular desire* to receive as soon as possible your review of these proceedings, and in the confidence that it will be transmitted without any avoidable delay, we shall suspend our own review of the case till we are in possession of yours. At the same time *we have no hesitation in giving it as our decided opinion, that it would be not only A WASTE OF TIME BUT SERIOUSLY DETRIMENTAL TO THE CHARACTER OF OUR GOVERNMENT to carry on any further inquiry in the matter.*”

Let me now quote the opinion of the Court of Directors, as conveyed to the Governor General of India, eight months afterwards, namely, on the 22nd January, 1839, (p. 46.)

“As Sir James Carnac, the Governor of Bombay, has been in communication with us on the subject of your proceedings regarding the Raja of Sattara, we are particularly desirous that you should suspend any final decision on the case until you have had an opportunity of taking into your consideration such observations and suggestions as may be made to you by Sir James Carnac on a review of those proceedings.

“In the meantime it may be as well for us to state to you that *we see no reason to dissent from the opinion expressed by the Court of Directors, in their letter of the 13th June, 1838.*

“A copy of this letter will be communicated to the Governor in Council at Bombay, with a request that he will suspend the transmission of any decision to the Raja of Sattara until you shall have had an opportunity of issuing such further direction as you may think proper in reference to this dispatch.

I must now beg permission to impress it upon your minds, in the first place, that these opinions were given upon the evidence supplied by Colonel Ovans *to convict the Raja*. That officer did all in his power to produce in the minds of the Indian and Home authorities, a belief in the Raja's *guilt*. A glance at his letters will prove this. He was most energetically supported by the officials in Bombay. Whatever could by possibility produce an impression unfavourable to the Raja, was sent up to Government. The dark side, and only the dark side, was presented. The Raja had never been heard in his defence, and the Bombay Government had resolutely refused to allow him to have any counsellor or friend. We have seen, too, that the wisest and best men about his person had been taken and imprisoned. But more than this. I am prepared to prove before a Committee, that during the time these opinions were being delivered, Colonel Ovans had in his possession the proof of the absolute falsehood of the evidence upon which he had advised the Government to rely as truth. I will prove to you, that there were before Government *depositions that were rank forgeries*. I will prove, that much of the most important evidence had been

*extorted*. I will prove to you, that Colonel Ovans was in possession of the knowledge that those whom he had represented *as the most respectable* persons in Sattara, were a *gang of the greatest and worst traitors*. I beg you to mark what I say. I will prove that Colonel Ovans KNEW this, and that he kept his Government in ignorance of the fact. But why need I go further than the petition of Girjabae, and the suppression of the evidence of Krushnajec? I have shown you that the evidence of the latter individual was taken on the 7th of September. On the 23rd of October, Colonel Ovans comments on the despatch from the Government of India of the 2nd of October. I will give this letter of the 23rd. I will also give an extract from another of the following month—and from the products of his own pen, will I furnish the evidence of the gross and wicked fraud which Colonel Ovans practised on his Government. First turn to page 400.

“ TO J. P. WILLOUGHBY, ESQ., SECRETARY TO GOVERNMENT.

“ *Sattara Residency, 23rd October, 1837.*

“ Sir,—I have the honour to acknowledge the receipt of Mr. Chief Secretary Wathen’s letter to my address, under date the 19th instant, together with its accompaniment, being copy of a letter from the Secretary to the Government of India, under date the 2nd instant, on the subject of Sattara affairs.

“ 2. I beg you will have the goodness to submit to the Right Honourable the Governor, that *I will lose no time in preparing the report therein alluded to*; but I would respectfully suggest that I be permitted first to submit the evidence and papers now in my hands on the subject of the communications with Goa; these documents being, as far as I am able to judge, conclusive, and of the highest importance.

“ 3. To the remark in the 6th paragraph of Mr. Secretary Macnaghten’s letter, that such a plot appears to be too extravagant to be entertained for a moment by any person in his senses, I shall only venture to reply by a reference to *the evidence which will be submitted on the subject*, leaving that evidence to speak for itself.

“ 4. I trust I need scarcely add, that no exertion on my part will be spared to forward these papers, AS WELL AS ALL THE REST *connected with these intrigues*, which are still to be laid before Government; but as *the*

*inquiry has itself, in point of fact, TERMINATED*, inasmuch as the delay at present is merely in translating the papers, and drawing up the necessary reports to accompany them, I hope I may claim the indulgence and consideration of Government for the time yet necessary for these purposes.

“ I have, &c.

“(Signed) C. OVANS, Acting-Resident.”

Now for his second letter, on the 14th of November, two months after he had taken the evidence of Krushnaje, which was, at the moment he wrote the letter, *concealed in his own desk*.

“ 4. With respect to Dr. Milne’s, animadversions on my own conduct it will be in the recollection of Government, that *on my coming here it was considered a primary object to ascertain the truth or falsehood of the charges against the Raja*. The tampering with the soobahdars was proved, but there was a mystery over it which still required to be developed; and the only clue to that mystery then, was the *urzee of Girjabee, the mother of the Dewan, which, if authentic, I was directed fully to inquire into*.

“ 5. The view then taken by Government appeared to be, that the treasonable attempt on the allegiance of the native officers, and through them that of the troops, should be punished, but that the innocent should not suffer with the guilty; consequently, *it was above all things necessary to ascertain if the information given by Girjabee had any foundation in fact, and if those denounced by her by name were really innocent or guilty of the intrigues laid to their charge*.

“ 6. But how, may I be permitted to ask, could such an inquiry be conducted without an examination of the persons accused? *yet every step was taken with the greatest caution, as will be abundantly proved by referring to my different communications, nothing of any importance being done without the sanction of my superiors; and I have this to console myself with, that these proceedings have been honoured with their approval*.”

To complete my proof of the gross fraud practised upon the Government by Colonel Ovans, I will conclude with an extract from the voluminous minute of Sir R. Grant, dated 5th May, 1838, p. 128.

“ 77. FOR THE HISTORY OF GIRJABEE’S PETITION, I BEG TO REFER TO COLONEL OVANS’ REPORTS, DATED THE 12TH OF AUGUST

AND 6TH OF SEPTEMBER LAST. I shall only here quote the following passage from the 14th paragraph of the last despatch, which has reference to Nos. 1, 3, 6, 7, 11, and 12, of the above list: 'They are all confidential officers of the Raja, and have been so for years, in the enjoyment of large salaries and emoluments, and have everything to lose, and nothing to gain by a change.'"

I humbly submit that I have now made out a case which imperatively demands the most rigid examination. I offer to prove before a Committee, that Colonel Ovans was guilty of the heinous crime of *concealing evidence which he knew to be TRUE*, and of furnishing, with his own written guarantee of its veracity, *evidence which he knew to be FALSE!*

The following references will assist the investigation into the charge I have now preferred, and am prepared to sustain:—

1. Despatch from the Government of India to the Government of Bombay, dated August 7th, 1837, p. 98.

2. Letter from Colonel Ovans to the Government of Bombay, dated September 6th, 1837, p. 388.

3. Minute of Sir Robert Grant, dated September 22nd, 1837, p. 97.

4. Despatch from the Bombay Government to the Government of India, dated September 23d, 1837, p. 102.

5. Despatch from the Government of India to the Government of Bombay, October 2nd, 1837, p. 109.

6. Ditto ditto, October 16th, 1837, p. 111.

7. Letter from Colonel Ovans to the Bombay Government, dated October 23rd, 1837, p. 400.

8. Ditto ditto, Nov. 14th, 1837, p. 397.

9. Despatch from the Governor-General of India to the Court of Directors, dated January 6th, 1838, p. 11.

10. Despatch from the Court of Directors to the Governor-General of India, dated June 13th, 1838, p. 45.

11. Ditto ditto, January 22nd, 1839, p. 46.

12. Minute of Sir R. Grant, dated 5th May, 1838, p. 128.

13. Minute of Lord Auckland, dated Simla, September 23rd, 1838, p. 228.

VI. THE EVIDENCE OF KRUSHNAJEE, FORCED FROM COLONEL OVANS, BY THE DISCOVERIES MADE BY THE RAJA.

Upon this subject I have frequently touched before, I shall therefore be brief now. At the beginning of June, 1831, the Raja's agents in Bombay heard for the first time of the existence of evidence against the Raja, in the shape of a petition from Girjabae; they immediately informed his Highness. The Raja immediately interrogated Girjabae upon the subject, and that lady, on the 11th of June, declared, in the most solemn manner, her total ignorance of such a document, and her entire innocence of any participation in such a proceeding. Colonel Ovans, the systematic purloiner of all correspondence affecting the Raja, came into possession of all the letters relating to this affair, and finding that a denial was about to be forwarded to the Court of Directors and the Government of India, he consulted his own safety by packing up the depositions of Krushnajee, and sending them to Bombay on the 16th of August, 1838. Sir, I shall be prepared with the most unquestionable evidence on this part of the case, whenever I am called upon to substantiate my allegations before a Committee of this Court. In the mean time, I charge Colonel Ovans with practising a gross and criminal imposition upon the Bombay Government, and with being a willing party to a foul conspiracy to effect the dethronement and ruin of the Prince, of whom he was, by treaty, the official and friendly adviser.

1. Letter of Rungoo Bapjee to the Raja of Sattara, dated June 8th, 1838, intercepted by Colonel Ovans, p. 978.

2. Declaration of Girjabae, June 11, 1838. Parl. Papers, 4th July, 1845, No. 449, p. 14.

3. Deposition of Girjabae, dated June 12, 1838, *forged* by Sukharam Bullal, p. 975.

4. Letter of Col. Ovans to the Bombay Government, dated 25th June, 1838, p. 435.

5. Ditto ditto, 16th August, 1838, p. 436.

6. List of accompaniments to the above, containing the suppressed evidence of Krushnajee, and the documents delivered in by that witness in September, 1837, p. 1027.

VII. COLONEL OVANS RETAINED AS A WITNESS AGAINST THE RAJA, A MAN WHOSE EVIDENCE WAS IN FAVOUR OF THE RAJA, BUT WHICH EVIDENCE COLONEL OVANS SUPPRESSED.

This I shall be able to prove by the most abundant evidence. I have already shown that the deposition of Krushnajee Sadasew Bhidey, taken by Colonel Ovans on the 7th of September, 1837, and the truth of which is admitted by the Deputy-chairman himself, demonstrated the utter falsehood of every report Colonel Ovans had previously made to his Government. Had that deposition been forwarded at the time it was taken, it must inevitably have quashed the proceedings which had been authorized, under a belief of the truth of the previous representations. I need not say what effect such a disclosure would have had upon the members of the Government of India, and upon the minds of the Court of Directors. It would of necessity have opened their eyes to the villany of those who were acting as the confidential advisers of Colonel Ovans. A scrutiny into all the facts connected with the petition of Girjabee, would have led to a discovery of the nest of vipers that had found shelter, and scope for their malignant ingenuity under the protection of the British Resident. Ballajee Punt Nathoo, Sukharam Bullal, Lukhsun Punt, and the whole of their confederates, would have been at once unmasked, and the Raja would have been delivered from the brood of reptiles that were then throwing their coils around him. The deposition of Krushnajee was a crisis in the affairs of the Raja. Believe, if you will, that Colonel Ovans was honest down to the 7th of September, 1837. I will allow you to believe so. I will consent to acknowledge him so myself. The events of that day must have opened his eyes. No human ingenuity can get rid of the fact, that the deposition of Krushnajee must have convinced him that he was in the hands of villains and forgers. His reflections as an honest man must have been—"I have been deceived and betrayed. I have been made the dupe of deep designing traitors, who have used me as a tool to accomplish their wicked ends. I have been made to deceive the Government. I have sent them as truth, that which I now discover to be forgeries and lies. I will unveil the iniquity I have detected. I will hasten to undeceive the Government whom I have

unwittingly deluded. I will crush this deep-laid conspiracy against the Raja. I will not take another step until I have probed to the bottom this mystery of hypocrisy and unnatural perfidy. I will not only bring the perpetrators of these frauds to justice, but I will ascertain and make known who their prompters and supporters are. Happy am I, that there is now the proof before me, that the accused Raja is the victim of the snares and plots of hitherto unsuspected villains. He shall be saved if he is innocent, and my boast shall be, that I rescued the Raja from the ruin that impended." Such, I say, would have been the natural reflections of an honest and upright mind upon the disclosures of Krushnajee Sadasew Bhidey. But, Sir, honest or dishonest—whether a friend of the Raja, or an enemy—whether an open, frank, and conscientious British officer, or a disgrace to the name, and a willing confederate of the demi-devil Ballajee Punt Nathoo—whatever were the dispositions, views, and intentions of Colonel Ovans, in this matter of the evidence of Krushnajee, he had no discretion—no, not a hair's breadth. He had been charged to furnish, without the unnecessary loss of a moment, all the information he could obtain respecting the petition. This charge had been repeated and reiterated. Colonel Ovans had as often given his word that he would do all in his power to furnish authentic information. More than that—he had sent to Government a history of this petition, which he now knew to an absolute certainty to be false. The Government were acting upon the information he had sent. That information, as far as it extended, was operating as a mildew and a blast upon the character of the Raja. The Government believed the petition to be genuine, and the particulars respecting it to be true. The petition was a forgery, and its history a fiction. The confession of Govind Rao was a base extortion, through the agency of the indescribable villain Sukharam. If Colonel Ovans held the power granted to him by the Bombay Government—still more, if he proceeded to use it, and to seize and imprison the parties denounced in the petition, he was guilty of the crime of practising a fraud upon his employers, and inflicting irreparable injury upon innocent men. Send the deposition of Krushnajee, therefore, he must. True, it proved his former statements to be false, but it must go. True, it would lead to a



total change of measures, and he must henceforth be, in conjunction and co-operation with the Raja, the minister of justice to the base wretches, Ballajee Punt Nathoo, and his co-conspirators, who stood convicted of the two-fold guilt of seeking the destruction of their prince on the one hand, and the prostitution, by hypoerisy and forgery, of the power of the British Government on the other; but still the evidence must be sent. Was it sent? It was not—it was retained in seereey, and thereby the Government of Bombay was deceived by their own servant. The evidence was suppressed, and Colonel Ovans was therefore guilty of a dreadful breach of trust—the awful crime of intercepting and embezzling judicial evidence of vital importance to a prince and all his people. Sir, had this been an embezzlement of money, it would have been a grave offence; but the guilt would have been as nothing, and less than nothing, in comparison with this almost unparalleled crime of concealing evidence which would have saved the Raja, and placed the names of his enemies among the blackest and most infamous of the human race. God only knows the motive of Colonel Ovans, in the commission of this awful crime. It is beyond my province, as it is beyond my power, to fathom the depths of the heart of this man—I have only to do with the facts that are before me; here they are—patent as noon-day—immovable as the granite rock. These facts convict Colonel Ovans of deliberately and wilfully concealing the evidence of Krushnajee Sadasew Bhidey. In the hour that he purposed to do this, he became a party to the frauds of those whom he had detected; he became himself a deceiver, a liar, a forger; and when I look either at the origin, the object, or the consequences of these common crimes against truth, justice, duty, every sacred and honourable principle, I am constrained to say, that I have not yet met with a case of greater enormity in the annals of human depravity.

Well, sir, the evidence of Krushnajee Sadasew Bhidey would have saved the Raja, and would have brought the enemies of that prince to justice; but it was suppressed by Colonel Ovans, until the case of the Raja had been closed, and the Governments of India had given their opinion upon it, and when it was at length revealed, no notice was taken of it. What was done

with the witness? He was bribed to silence by the immediate payment of fifty rupees; he was told to remain quiet, and was peremptorily forbidden to approach Girjabace, the pretended author of the petition which he had written; he was further supported for two years by the payment of a monthly stipend, and he was at last dismissed with a gratuity of one hundred rupees. Thus was a witness, who would have borne testimony that, if there had been justice in India, would have been the salvation of the Raja, quietly put out of the way, and the evidence he had given to the Representative of the British Government, and the sole official organ of communication, utterly suppressed. It is vain for the Directors to attempt to prevent inquiry into this transaction. Hitherto they have remained silent. They have praised Colonel Ovans, but they have not answered a single charge against him. They cannot say that the charge now brought rests upon the testimony of a perjured wretch, for Colonel Ovans himself is the sole witness whom I deem it necessary to call in support of this charge. They cannot plead the difficulty of going into this charge. No commission in India is required; no sifting of opposing evidence. This book, and one hour's attention to what it contains, are all that is required to settle this question for ever.

The evidence on this branch of the subject will be found in the papers ordered by Parliament, 4th July, 1845, No. 469.

#### VIII.—FORGED SEALS AND PAPERS PURCHASED OF A GANG-ROBBER.

I allude now to the case of Balkoba Kelkur. I shall not go into the particulars of this case now, as they are very numerous, and because it has never yet been attempted to be denied that Colonel Ovans did authorize the payment of 400 rupees for the redemption out of pawn of a bundle of papers possessed by this man, and did also obtain for him a free pardon. These papers have all been proved to be utter forgeries,—the seals forged, the writing forged, the witnesses personated, the evidence perjured. It is, however, to the act of subornation at the beginning that I am now directing your attention, and I will prove before the Commission that what commenced in subornation ended in perjury and the personation of

witnesses. I will prove also Ballajee Punt Nathoo, the chief adviser of Colonel Ovens, was the man who concocted, matured, and developed this plan. When I have done this, the Raja will be demonstrated to be innocent at least of one of the crimes laid to his charge.

Upon this part of the subject Mr. Nicholson furnishes us with the following summary :—

“ In consequence of certain information, five persons were apprehended by the chief of Sawunt Warree, and from their depositions it appeared that Nago Deorao had originally been the leader of this gang, and that after his death, men continued to be levied for the same purposes by Balkoba Kelkur and others. On the discovery of the intended attack, Balkoba Kelkur concealed himself in a village near Sawunt Warree.

“ On the arrival of the emissaries of Colonel Ovens, a negotiation was entered into between them and Balkoba Kelkur, for the delivery of the seals and papers before alluded to. Alarmed lest he should be delivered up to justice on account of his connection with the intended attack upon Vingorla, Balkoba at first refused to come forward ; but, on receiving a pledge of safety, a meeting took place between him and the agents of Colonel Ovens. On being asked for the seals and papers, he at first alleged that they were destroyed, but afterwards admitted that they were still in existence, and stated that they had been pledged to defray the expenses of Nago Deorao's funeral, and that he would deliver them up on receiving the sum of 500 rupees. Ultimately 400 rupees and a free pardon for his offence at Sawunt Warree were offered, and on these terms he consented to give up the papers. The sum of 400 rupees was accordingly paid to him, and he accompanied Ballaram Chuprasse and Dajee Bulal Waeed to Sattara.” (p. 82, 83.)

Mr. Nicholson also observes :—

“ It will no doubt strike the reader as a singular circumstance, that the ex-Raja should have shown so much anxiety that his letters to Don Manoel should be returned to him, and yet should have been utterly careless, even after the death of Nago, as to what became of the important papers in his possession. Detection, as Sir R. Grant admits, was to him ruin irremediable ; yet we do not find that any attempt was ever made on the part of his Highness to regain possession of these documents, and we are required to believe that Balkoba Kelkur, into whose possession they

had come, though so hard pressed for the means of subsistence as to have been driven to join a band of robbers, sold them to Colonel Ovans for the paltry sum of 400 rupees. The inference that these papers were forged is irresistible. Had they been genuine, what would have prevented Balkoba Kelkur from obtaining from the ex-Raja, who would not have dared to refuse him, any sum that he chose to ask for them? What, at all events, prevented him from presenting to the ex-Raja the letter said to have been addressed to him by Nago on his death-bed, which, according to his own statement, it was Nago's dying command that he should at once deliver, and which contained a recommendation of his family, and dependents, to the liberality and protection of his Highness? It is impossible to believe otherwise than that the ex-Raja would have had the refusal of these documents, had they really been what they purported to be." (P. 118, 119.)

IX.—SUPPRESSION OF THE PROOF THAT THE STATE SEALS OF THE RAJA HAD BEEN FRAUDULENTLY OBTAINED, and affixed to Treasonable Papers, for the purpose of effecting the Raja's ruin.

Sir, it may not be known to those who hear me that there are in existence at this moment written documents and blank papers bearing impressions of the *genuine State Seals* of the Raja. I admit them to be such. The written papers are full of treason—that also I admit. If they can be traced to the Raja, he is guilty—that also I admit. If one tittle of evidence can be produced to show that the Raja knew of their existence, before the fact was known to Colonel Ovans, I will never open my lips in the Raja's defence again. Before a Committee I will prove that these documents were fabricated by a gang of conspirators. I will prove that Ballajee Punt Nathoo the adviser, and Ballajee Kasee Khibey the native agent of Colonel Ovans, were members of the gang. I will prove that Colonel Ovans was offered some of these documents. I will prove that he declined them, only from a fear that the Raja might be able to expose the plot. I will prove that his own confidential servant had one of these papers in his possession for some months. I will prove that Colonel Ovans concealed this fact from his Government. I will prove that he sent a false account to the Government after the plot had been detected by the Raja. I will prove that he with-

held the name of his own native agent. I will prove that Colonel Ovans suppressed inquiry into this affair. I will prove that he tampered with the witnesses, and made them give false evidence. I will prove that he never brought these documents forward against the Raja, although, if proceeding from the Raja, they were of infinitely more importance than all the other evidence put together. I will prove that the Raja called for an inquiry into this affair, and that Colonel Ovans suppressed that inquiry. Next to the suppression of the evidence of Krushnajeel, I deem this the most important subject connected with the conduct of Colonel Ovans, and I will undertake to substantiate every one of my allegations, by the production of the letters of Colonel Ovans himself. Let the press tell the world that there are Mahratta proclamations bearing the genuine State Seals of the Raja, calling upon all Hindoo soldiers to rise and extirpate the English; and say, besides, that Colonel Ovans knew these to have been obtained by false means, and did wilfully prevent the Raja from bringing home the fact of their having been obtained by foul means to the knowledge of his Government!

Mr. Thompson referred amongst other documents bearing upon this part of the subject, to the following:—

1. Letter from the Raja of Sattara to Colonel Ovans, dated January 4th, 1839, p. 1098.

2. Translation of a Mahratta paper, bearing the genuine Seals of the Raja, dated 21st November, 1836, p. 1099.

3. Letter from Colonel Ovans to the Government of Bombay, dated 4th January, 1839, p. 436.

4. Deposition of Ballajee Kasee Khibey, the native agent of Colonel Ovans, dated January 25th, 1839, p. 1100.

5. Letter from Colonel Ovans to the Government of Bombay, dated 26th January, 1839, p. 457.

6. Ditto ditto, 2nd September, 1839, p. 468.

#### X.—SEIZURE AND IMPRISONMENT OF THE RAJA'S SUBJECTS WITHOUT ACCUSATION AND WITHOUT TRIAL.

When before a Committee I propose to take the following cases as illustrative and confirmatory of this charge.

1. The case of Bulwunt Rao Chitnees (or Secretary), who was arrested on the 1st of August, 1837, and was kept as a prisoner at the Residency until the 1st of October, when he was removed under an armed escort to Poonah, and there kept a prisoner until the 27th of September, 1839, and then only released on condition that he returned no more to Sattara.

2. The case of Dinkur Rao, made prisoner the 24th of August, 1837.

3. The case of Babajee Parunkur, made prisoner the 6th of September, 1837.

4. The case of Ram Chunder Rao, made prisoner the 9th of August, 1837.

I might include many others, but these cases will be sufficient to exhibit the conduct of Col. Ovens, and to prove the illegality, injustice, and cruelty of his acts. Permit me to say a few words on this occasion respecting the case of one of the persons I have now named. I refer to Bulwunt Rao Chitnees. It will be in your recollection that in the letter from the Government of India reviewing the evidence respecting this man, it is stated to be the opinion of the Governor-General in Council, that there was not the slightest shade of guilt cast upon his character. This letter is dated October 2, 1837. On the 1st of that month he was conveyed as a prisoner to Poonah, and never permitted to return to Sattara again! On page 675 of these papers will be found a letter from the Raja of Sattara, addressed to Dr. Milne, dated 7th Oct. 1837, describing in pathetic language the separation of this good man from his family. I will now lay before you a translation of a letter written by this injured man to Rungoo Bapojee, the agent of the deposed Raja.

TRANSLATION OF A LETTER FROM BALLA SAHIB BHULWUNT RAO CHITNAVEES, HEREDITARY SECRETARY OF STATE, TO RUNGOO BAPOJEE, LONDON, AGENT OF HIS HIGHNESS THE RAJA OF SATTARA.

*“ Poonah, March 24th, 1842.*

“ I received your letter from London, dated the 29th of January.  
\* \* \* \* \* You now ask—‘When were you imprisoned? Were

there any questions put to you, and what answers did you give to the interrogatories? Have you a copy of the questions and answers? Have you received any sums of money during your imprisonment from the Bombay Government? and, When you were released from prison, what orders did you receive from the authorities in Bombay? Whatever has occurred from the commencement of these proceedings, be good enough to write me a full and true statement.'

"In reply to your several questions, I have to inform you, that I was sent to prison by Colonel Ovans, the Resident at Sattara, on the 1st of August, 1837. The Resident confined me in a bungalow, adjacent to his own, and gave me a great deal of annoyance and trouble. When I was made a prisoner I had two servants; whenever they went out a short distance to bathe, &c., they were invariably accompanied by a native soldier, in order that they should not converse with other persons; whenever clothes or food were sent for my use from my house, the bundles containing them were strictly examined by the sentries who were placed over me. After I retired to rest, I was visited at every relief (two hours) by the new sentry, who used to remove the clothes from my face, to see that I was the person confined. The truth is, that I seldom, if ever enjoyed sound sleep. For twenty-two days I had not a visit from the Resident, nor from any officer of the Government. On the twenty-third day the Resident sent for me. When I came, he said to me, 'If you give me a true statement of the crimes committed by his Highness, the Honourable Company will always remain *your friend*.' The Resident also said to me, that from the time of Mr. Elphinstone, the Raja had hinted that the sway of the East India Company was on the decline, and would terminate ere long; that this was not the part for the Maharaj to act, as he had received every kindness from the Government of India. The Resident then said, that if I did not tell the whole truth, he would punish me in every way that might lie in his power.

"I replied, that for my own profit and advantage, I would not tell a falsehood, nor would I for my own gain be a party to the destruction of another; that I would tell the whole truth. That my family had for seven generations been the servants of the Rajas of

Sattara. That when the Honourable Company was at war with Bajee Rao Peishwa, I acted as a mediator between the Raja of Sattara and the Honourable Company: my exertions in this business were well known to, and appreciated by Mr. Elphinstone, General Smith, &c. During the battle between Bajee Rao and the Honourable Company's forces,\* I went into the midst of the fire with the Maharaj, his brother, and their mother, and introduced them to General Smith on the field of battle. The result was, that Bajee Rao, having been made acquainted with this circumstance, fled from the field. For having rendered this service to your Government, I am now made a prisoner by you! This is my reward for having done you all the good that lay in my power. The Resident on hearing this said, 'What have you to urge in reply to the charges brought against the Maharaj by other persons, to the effect, that the sway of the English in India would terminate before long?' I replied, 'Those who aspersed the Maharaj, did so for their own private ends—if you can prove any misconduct or treason against me under my own signature, I then am satisfied to be blown away from the mouth of a cannon.' The several questions that were put to me by the Resident, were written by Ballajee Punt Nathoo,† who was present during the time I was in the Resident's company. The Resident put these questions hastily, and without giving me the least time for reflection as to the answer I should give. He did not even give me a copy of what transpired at our interview. I cannot exactly recollect the number of questions put to me, nor all the answers I gave; but I send you an account of the principal.

\* Questions put by the Resident, to the Chitnavees, when in confinement:—

“*Question.* Did not a Hubshee chief ‡ residing in a small island near Bombay, send by one of his people a sword, dress of honour,

\* The battle of Ashta.

† The man, who for plotting against, and betraying the Raja, has been rewarded with an estate, and an additional pension.

‡ Intriguing with the Hubshee, is one of the cumulating charges of which the Raja is found guilty by the Bombay Government.



yellow cocoa nuts, and some betel nuts (sooparee) as a present to the Maharaj? Did not his Highness send the chief a sword and robe of honour (Khilat) as also a person to deliver his Highness's present?

“ *Answer.* The Hubshee chief has in his service 50 or 100 men, and four or five horsemen. The receipt of his Jagheer amounts to 75,000, or one lac of rupees a year; could such a chief have it in his power to give the Raja assistance, or be the means of overthrowing the Company's authority in India? The chief never sent a present to his Highness, nor did the latter send a Khilat to the chief. The Maharaj has always acted in conformity to the treaty existing between his Highness and the East India Company. There is a place named Shreewurdhun, in Hubshee island, where my brother-in-law resides. He is in the service of the Hubshee chief. On the marriage of my son, my brother-in-law sent us, not the Raja, some yellow cocoa nuts and sooparee (betel nuts.) Adjoining the Suchoos\* country, there is a place in the occupation of the Hubshee chief. A note arrived from the chief, addressed to the late Resident of Sattara, General Lodwick. This note was brought by my brother-in-law. When the latter arrived, I invited him to my house, and entertained him. I afterwards introduced him to the Maharaj. How can sedition for a moment be inferred from my brother-in-law, on my son's marriage, visiting us and bringing with him a few coaca nuts and betel nuts? Afterward, my brother-in-law was brought from the Hubshee chief's country by the governor of Bombay's order, and sent a prisoner to Sattara. An investigation was entered upon, and as there was no evidence to implicate my brother, he was liberated and returned to the chief's country.

“ Q. Were not the Raja and the Raja of Kolapore intimate friends? Did not great friendship exist between both of them, from the time of Elphinstone Sabib, in plotting the overthrow of the British rule? Did not the Kolapore Raja send the Maharaj a sword and diamond ring; and did not the Raja, in return, send the Kolapore Raja a sword and ring?

\* One of the Sattara Jagheerdlars.

“ A. This is an extraordinary charge. Such lies may obtain credence from the lower orders ; but how strange, that people in the higher ranks of life should listen to such falsehoods !

“ Q. RESIDENT. How can you deny these statements ? (charges of mine.)

“ A. Here, where you and I are now seated, I can disprove them.

“ Q. RESIDENT. Refute my statements if you can ?

“ A. In the temple of Kolapore is the goddess ‘ Devec.’ The Maharaja’s Ranee (queen) fell sick. The Maharaj wished to go to Kolapore to invoke the assistance of the goddess. The Governor of Bombay in the mean time came to Sattara ; the Maharaj asked permission of his Excellency to proceed to Kolapore, when he could also have an opportunity of seeing his brotherhood. The Governor ordered an officer to inquire of the Raja of Kolapore, if there was any necessity or occasion for the Raja’s going to Kolapore to visit the goddess, as also to see his kindred ? And whether it was the Kolapore Raja’s wish to see the Maharaj of Sattara ? The before-mentioned officer communicated the Governor’s message to the Raja of Kolapore, who replied, ‘ The Rajas of Kolapore have not had interviews with the Rajas of Sattara for one hundred years. Friendship has not existed between them, nor do I wish to see the Raja come on the proposed visit to me. I will depart from Kolapore should he enter it.’ This answer of the Kolapore Raja was transmitted by the officer to the Bombay Council, who conveyed it to the Resident of Sattara in 1832. The Maharaj, on hearing the Kolapore Raja’s determination, gave up his intended journey to Kholapore.\* Now, may I ask, was it likely, after the Raja of Kolapore’s conduct, that my master, the Raja of Sattara, would send him a sword and diamond ring ? and is it possible that the Raja of Kolapore would send the Maharaj a sword and ring ? The Resident, on hearing this statement from me, referred to his books and dates, when he found that I was correct in what I related, and remained silent.

“ Q. Did not Wittul Rao Dewanjee, minister of the Guicowar, at

\* General Robertson, the then Resident, can speak to this occurrence.

Baroda, send through you a horse and dress of honour for your master, the Maharaj ?

“ A. Ten or twelve years ago, at which time Robertson Sahib was Resident at Sattara, the above-named Wittul Rao Dewanjee sent me a horse and dress for my own use ; he also sent me a letter with the present ; he is a relative of mine. The Resident heard of my having received this present. All the circumstances attending it were made known through Aba Joshee, the Resident’s karkoon (clerk.) The Resident felt confident that there was no occasion for his interference in the matter.

“ Q. Did not the Maharaj through you engage the services of Chintamun-Rao Putwurdhun (Brahmin) for the overthrow of the East India Company ? What reply can you make to this charge ?

“ A. Chintamun-Rao, Ballajee Punt Nathoo, Nilkanth Shastree (Brahmins) and our caste\* have been at variance for a long time on the score of religion. A number of Brahmins, among whom were the above, used frequently to set upon us, as well as to quarrel and annoy us. In a short time these disputes were made known to the Government. How could it be supposed, from the great enmity which existed between the above-mentioned persons and our caste, that we should conspire with them for the purpose of exciting sedition against the Government of England ? It is all a falsehood, and which you yourself must perceive.

“ Q. Did not you communicate frequently with Gopal Rao Putwurdhun (the chief of Jumkindee) in order that he should assist you in your treasonable designs ?

“ A. The Chitnees (secretary) of Gopal Rao is my son-in-law. When my son’s marriage was about to be solemnized, I borrowed 5000 rupees (500*l.*) through my son-in-law, from Gopal Rao, which sum I authorized to be levied from the village of Angapoor. The banker, Hurree Raja Ram, was my security for liquidating this debt, in case the amount should not be forthcoming from the village receipts. As to the charge of treason, I know nothing of it. The Government wrote to the Raja of Sattara, requesting the

\* The Prubhoo caste.

Maharaj to grant Gopal Rao Putwurdun an interview, 'which would give great pleasure to the Government.' The meeting did not take place.

"Q. What, and how many agents, has the Maharaj sent to Bombay ?

"A. Such and such persons (writing their names, and presenting the list to the Resident.)

"Q. Did you not send Rungoo Bapojee to Bombay ?

"A. Rungoo Bapojee went to Bombay by the Maharaj's order. He is in the service of the Raja.

"Q. As to the letters which you sent in the Raja's name to the Governor and to London : why did not you send them through the Resident, according to usage ? What was the purport of these letters, and to whom were they dispatched under cover ?

"A. I cannot answer you ; you must put this question to the Maharaj, who will be enabled to give you a reply. Should I give you an answer, in all probability it would give you pain. (Upon hearing this the Resident and Ballajee Punt Nathoo insisted that I should give a reply.) I therefore said, that in the time of Elphinstone Sahib, it was ordered that, whenever the Maharaj and Resident disagreed, the Raja of Sattara was at liberty to address the British Government. The custom has always been, that whenever the Maharaj thought fit to write to the Governor, he could do so without consulting the Resident. The Court of Directors have likewise been pleased to express their pleasure and willingness to receive letters from the Maharaj, in order to make any arrangements that the Maharaj might wish to have effected. I here referred the Resident to the Government orders ; but he declined to peruse them. I then told the Resident that the Maharaj had addressed the Queen of England, the Houses of Lords and Commons, the Board of Control, and the Honourable Court of Directors. The letters which I wrote were written by the Maharaj's orders ; their contents were not seditious.

"After my interview with the Resident, he forwarded me to Poonah, in a closed palanqueen, escorted by fifty Sipahis, with fixed bayonets, held close to the palanqueen. In this way, on the 3rd of October, 1837, I reached Poonah. I was confined in the

gaol of Poonah for two years and three months. On the 27th of September, 1829, I was released from prison. On the day of my release I received an order from the acting Judge, Richard Mills, Sahib, forbidding my entering Sattara, and that I should remain at Poonah. I send you a copy herewith of Mr. Mill's order.

“From the time that I was made a prisoner, to this day, I have not received one pice (penny) for my expences; nor were there any arrangements made for defraying them. On this account I was sorely distressed, and put to much inconvenience.

“While I was in confinement, I addressed a petition to the Government, who replied, that until a decision should be come to upon my case, they could not assist me. I sent in my petition on the 6th of October, 1838. The Government answer reached me on the 31st of December, 1838. I also forward to you a copy of this petition and the Government answer thereto.

“On my release from the Poonah gaol, my enemies, by the advice of Appa Sahib, made a complaint against me, and presented a petition, stating that they had lost a great deal by me. Thereupon, my house, property, and lands were taken from me. I then addressed a petition to the Resident, dated 29th June, 1841, but have received no reply up to the present time.

“My younger brother, Yeswunt Rao, is now in the service of the Maharaj at Benares. He has been deprived of his house by the Sattara Government, who have made it over to the Kareoon (clerk) of the Suchew. Appa Sahib afterwards seized this house, and has given it to a woman of his who is a native of Jumkindee.

“All the books and papers belonging to the Maharaj, as well as my own documents, were removed from my house. The papers of consequence have been selected, and those which were of no use except to me were left behind. Ten or twelve camel loads were thus removed by the Sattara Government. I cannot find words to convey to you even an idea of the difficulties and distress I have suffered through these tyrannical and shameful proceedings.

“In conclusion, as I was not supplied with copies of what trans-

pired during my examination, you must be content with what I furnish you from recollection. I have abridged what took place as well as I could. Were I to send you a full statement it would fill quires of paper.

“BULWUNT RAO.

“MULHAR CHITNAVIS.”

XI.—GRATUITOUS HARSHNESS AND CRUELTY IN THE MANNER  
OF THE RAJA'S DETHRONEMENT.

I believe, Sir, that even my opponents in this Court will be disposed to admit that the manner of the Raja's dethronement was unnecessarily severe. It is too late in the day to go minutely into the circumstances. He was taken naked from his couch at night. He was placed in that condition in a palanquin. He was immediately removed from his capital. He was afterwards lodged in a manner unbecoming his rank—and all this was under the authority, and by order, of Colonel Ovens. Now, Sir, it is only necessary to bring to your remembrance the fact that the Raja only a few days before these insults were offered him by Colonel Ovens, volunteered to remain at the Residency, and from thence to accompany the Governor pending the issue of an inquiry into the charges brought against him. Why then was he apprehended like a felon in the night, and dragged naked from his bed? I have no hesitation in stating in the presence of gentlemen who have been Residents at Sattara, that if during any hour of the day a respectful message had been sent to the Raja to leave his palace and to place himself in the hands of the British Resident, he would have done so. Why then was his dethronement effected in the manner I have described? It was that thereby there might be brought about a bloody collision between the troops of the Raja and the British soldiery, when the whole of the property in Sattara would have been claimed as plunder. Yes, Sir, the scheme was deeply laid, but the Raja frustrated it. That good man foreseeing the doom that awaited him, took the most effectual means of preventing that conflict which it was the object of Colonel Ovens to bring about. But what shall we say of the man who thus perilled the peace of a city and the lives of its inhabitants? What? but that he acted in the closing scene

of this guilty drama as he had done at its commencement. He began with falsehood, treachery, and subornation, and but for the efforts of his victim he would have ended with spoliation and blood.

XII.—VIOLATION OF A WRITTEN PLEDGE, that if the Raja peaceably relinquished his throne, his property, *bona fide* private, would be respected.

On this subject I can do no more than repeat what I stated in this Court in March last. On the 30th of August we find the governor writing a letter of instructions to the Resident, Colonel Ovans, in reference to the conduct he is to pursue in the removal of the Raja from Sattara, and the installation of his brother, Appa Sahib. And this brings me to the spoiling of the Raja of his private property. The letter of Sir James is on page 469, and the following is the eighth paragraph :—

“ 8. You will be careful to provide, in the most effectual manner, for the personal comfort and convenience of the Raja and his family, and to require the Sattara Government to furnish everything that may be necessary for their accommodation. *He is, in fact, to be regarded and treated as an object of sympathy, and not of punishment.* You will inform him that he will be permitted to reside within the Honourable Company’s territories, at such place as may be selected by the Right Honourable the Governor-General of India, and that *an annual allowance will be assigned from the Sattara revenues for the support and respectability of himself, and those members of his family who may choose to accompany him. Further, that all property belonging to him, bonâ fide private, and not up-pertaining to the state, will, ON HIS PEACEABLE SUBMISSION, not be interfered with.*”

Here, then, we have a solemn and deliberate pledge given by a British Governor, in the name of the East India Company and the Government and the people of England. It is a pledge, that if the Raja yields *a peaceable submission* to the order for his dethronement, *his private property shall not be interfered with*. Did his highness, the Raja of Sattara, comply with the condition? He did; not a single soldier was required to carry the Governor’s despotic and unauthorised order into effect. The Raja was be-

loved as few princes have ever been. That he was brave, and had a soul that could face death, I have often proved out of the mouth of your Governor himself. His people told him of his approaching ruin. They would have died around his palace, *as Mahrattas know how to die*, in defence of their own and the rights of a prince whom they honour and love. Did the Raja ruffle up their spirits by an appeal to them against the almost diabolical tyranny of dethroning him without a hearing? Did he call upon them to take up arms, and resist the mercenaries of the British, when they should attempt to march into Sattara to drag him from the palace of his ancestors? No. He ordered every grain of powder in his magazine to be damped. He disarmed his officers. He left the soldiers without a leader. He commanded his subjects to their dwellings. He issued orders for their observance of a strictly passive line of conduct. He obliged his cousin, the Commander-in-Chief of his forces, to sleep unarmed in a room adjoining his own. He removed nothing. He turned not a key upon his most private papers. He secreted none of this treasure. He went to his couch to rest, and in the middle of the night, at the summons of Colonel Ovans, he rose, got into his palanquin, and left the British Resident in quiet possession of his palace, and retired a prisoner in the hands of our soldiery. Did the Raja of Sattara, I again ask, fulfil the terms of the pledge given by Sir James Carnac? Did ever mortal man yield a more unresisting compliance with the command of an enemy? There is not a man here who will, for a moment, dare to deny, still less undertake to disprove, the truth of what I have now asserted. Everlasting shame be upon the heads of those who disgraced themselves by the acts which stain this part of the proceedings against the Raja of Sattara.

The pledge given by Sir James Carnac was *thrice repeated* by Col. Ovans. In official notes, dated respectively the 5th, 6th, and 13th of September, the Raja is assured that his private property will be held sacred to his use, and will be at his own disposal. I will read you an extract from the note dated the 13th, and that you may have no reason to question its authenticity, I will first read you the words of Major Carpenter, the high-minded



officer who has had charge of the Raja during the whole period of the exile of that prince at Benares. Writing to Mr. Maddock, the Secretary to the Government of India, 15th November, 1810, Major Carpenter says :—

“ Par. 8. The ex-Raja has in his possession three letters, signed by Colonel Ovans, the Resident at Sattara, and dated the 5th, 6th, and 13th of September, 1839, respectively, to the effect that his private property would be surrendered to him; and suggesting that lists of such portions thereof as he wished to take away, as well as of those articles he desired to leave in his palae, might be furnished, that which properly belonged to the state being retained.”

Major Carpenter then adds, in the next paragraph :—

“ 9. *I have carefully examined* the documents referred to in the preceding paragraph, and therefore believe the statements it (viz., a letter from the ex-Raja to the Resident, remonstrating against the claims of Appa Sahib to his private property) contains, to be substantially correct; and if it be the pleasure of the Right Honourable the Governor-General in Council, the originals or translations thereof shall be submitted to his lordship's further consideration.”

With these extracts before the Court, the genuineness of the note from Colonel Ovans, which I am about to read, will not, I think, be doubted. It is as follows :—

*“ Translation of a Mahratta Yad, abbreviated, from Colonel Ovans to his Highness the Raja of Sattara.*

“ I have the honour to acknowledge the receipt of your Highness's communications of the 8th, and two of the 10th of September.

“ With reference to your Highness's PRIVATE PROPERTY, I beg to observe, THAT THAT WILL BE AT YOUR OWN DISPOSAL, as distinguished from the public property of the state—namely, JEWELLERY, ROBES, DRESSES, &c., MONEY, FURNITURE, PLATE, and other necessaries, which your Highness may require. On your Highness intimating the same, I WILL ORDER THE ARTICLES TO BE SENT TO YOU.

“ All the papers and documents of the state will remain in possession of the British Government, as agreed on between your Highness and myself.

"Your Highness will not be long detained here, but will proceed on your journey as soon as I have received orders to that effect, for which you will be pleased to prepare yourself.

"I will take the requisite steps in order to supply your Highness, if possible, with camels, &c., for the journey, as you have written.

"(Signed) COLONEL OVANS,

"13th September, 1839.

Resident."

Would any man, with these official documents before him, believe it possible, that Col. Ovans, as the agent of the Bombay Government, would coolly and deliberately proceed to strip the Raja of every fragment of private property left behind him? Have we not seen that his private property was pledged, *in addition* to an allowance suited to his rank and circumstances? Would not a man of honour have made any sacrifice rather than violate a promise so plainly made? Yet, without provocation, without an excuse, and almost without a pretext, Colonel Ovans proceeded to trample upon the pledge of the 30th of August, and the notes of September, and to obtain the sanction of the Bombay authorities and the Supreme Government to the transfer of the whole of the unhappy Raja's property *to the hands of his perfidious and abandoned brother!* The proof of this will be found in a correspondence which I will now lay before you. On page 296, you will find a letter from Mr. Willoughby, the Secretary to the Government of Bombay, to Mr. T. H. Maddock, the officiating Secretary to the Government of India, with the Governor-General. The following is an extract:—

"6. With reference to the 10th paragraph of my letter to the Resident, I am directed to forward, for the consideration of the right honourable the Governor-General, copy of the letter therein alluded to. The Honourable the Governor, Sir James Carnac, deems it only necessary to state it to be his opinion that *the whole of the claims therein advanced by the ex-Raja of Sattara should be declared INADMISSIBLE*; that the property which he claims shall be considered *as appertaining to the state*, and as such *be made over to the present Raja*; and that the ex-Raja be informed that the pension of one lac and 20,000 rupees is assigned to himself and family in satisfaction of *all demands whatever against the Sattara government.*"

Sir, I have now gone through the case against Col. Ovans, which I am prepared with evidence to establish before a Committee of this Court, or any other tribunal. I cannot suppose it possible that you will allow imputations so heavy as those which I have now cast upon one of your officers, to pass unnoticed. Six months ago, your predecessor in that Chair read a despatch which had been sent from the Court of Directors to the Government of Bombay, dated 30th May, 1843, in which the following paragraph is found :—

“ We feel it due to Lieutenant-Colonel Ovans and Mr. Willoughby to record our opinion that the investigations and discussions which have taken place have left not the slightest stain on their character, public or private, nor have tended in any way to lower the reputation which they had justly acquired to their previous public services.”

Sir, this despatch was written in consequence of the statement made by me in 1842, and by General Lodwick previously. Now, Sir, as the Court of Directors have thus publicly stated their confidence in Colonel Ovans, they are bound to come forward and vindicate his conduct, or as openly to retract the commendation they have bestowed upon it. As I stated at the commencement of this discussion, I have no wish to see my assertions received as truth without examination, I desire to place this inquiry out of my own hands, and to confide it to an impartial tribunal elected for the purpose by this body. I therefore move :—

“ That a Select Committee be appointed to inquire into the conduct of Lieutenant-Colonel Charles Ovans, during the period that he filled the office of British Resident at the Court of Sattara.”

Mr. Serjeant STORKS.—Will the honourable Proprietor, Mr. Thompson, just allow me to ask a question.

Mr. THOMPSON.—Most certainly.

The CHAIRMAN.—We had better read the motion first.

Mr. Serjeant STORKS.—I thought, Sir, it would be much more convenient to put my question now, it is one which has an important relation to a fact which the honourable Proprietor has stated. Had I not better ask it before the motion is read ?

The CHAIRMAN remained silent, and—

The Clerk then read the motion.

The CHAIRMAN.—Who seconds the motion ?

Mr. Serjeant Gaselee and Mr. Gordon rose together. The former said—As I see another Proprietor on his legs I will give way, as I do not wish to speak on the question at present.

Mr. GORDON.—I will second the motion. I must say that the conduct of the Directors to-day, in retiring into the next room to feed with their supporters, and eating and drinking while they leave others to starve, is unwarrantable. (Cries of “ Question, question.”)

Captain RANDALL.—What has this to do with the question ?

Mr. GORDON.—A great deal. The case is very different with those on this side of the bar—with those who are the friends of justice. The Directors go into an ante-room—there eat and drink—come in again with their mouths full ; but on the other hand, any one who does not take their side against the Raja, is not allowed even to go near the fire, nor is any opportunity given him of taking refreshment. I say that as a Court of Justice you put yourselves on a level with your predecessors, who upheld the worship of Jugger-naut, and who burnt, or what is the same, permitted to be burnt, a widow every morning and evening. (Laughter.) It is a laughing matter, I know, with you. If Mr. Goldsmid was here he would laugh too, and his son would laugh, no doubt. (Loud cries of “ Order, order.”)

The CHAIRMAN.—Really, Sir, I must call you to order.

Mr. Serjeant GASELEE.—Sir, I was very anxious to delay speaking on the subject before the Court, until some one had spoken on the other side. My only reason for not seconding the motion was, that I wished to reserve my observations until they could be offered in reply to what might be advanced against the motion which has been made. I thought, Sir, that you (addressing the Deputy-Chairman) and other gentlemen would, as a matter of course, have spoken on the subject.

The CHAIRMAN.—I deprecate the attempt again made to criminate Colonel Ovans. His conduct has been fully investigated in all its bearings by his immediate superiors—the Bombay Government. A similar investigation has been gone into *in a private quarter* by

the Court of Directors, and their confirmation of the decision of the local authorities has been confirmed by the Board of Commissioners for the affairs of India. Under these circumstances, and with reference to the opinion which has on more than one occasion, been pronounced by this Court,—that the conduct of Col. Ovans has been honourable and proper, I cannot, having respect to the decisions of this body, follow the speech of Mr. Thompson, nor shall I at all vindicate the conduct of the gallant officer who has been attacked. I have only to say, that I must negative the motion of the honourable Proprietor.

Mr. Sergeant GASELEE.—Sir, I am very unwilling to go over again the ground which has been already travelled; especially when no answer has been given to the charges brought forward by Mr. Thompson. I say with great humility, but at the same time with much confidence, that I think the friends of Colonel Ovans are doing all they can to bring him into disrepute. I certainly expected some one of the Directors would have addressed the Court on the present occasion, in reply to the honourable Proprietor who proposed the resolution. I had a right to anticipate this, because it has been said by one of your honourable Court (Major Oliphant) that the conduct of Colonel Ovans, in relation to the evidence of Krushnaje, was *a gross dereliction of duty to his Government*, and an act of oppression to the Raja. I could not imagine that that observation would have been allowed to pass unnoticed by the other Directors, or by this Court of Proprietors, and therefore I was very unwilling to rise at an early period of the debate, naturally supposing that on a question of such vast importance, the observations of the honourable gentleman who has brought forward this question would not have been treated with what I must say I consider to be very great contempt. Sir, that honourable Proprietor has stated facts, the publication of which it is quite impossible to confine within the narrow precincts of these walls. They will go forth to the world, and I ask you, as a body of gentlemen, whether you believe that any man who reads the report of this day's proceedings, will be satisfied by your merely passing a vote that Colonel Ovans is a man whose character stands unimpeached, when there is such a volume of conclusive facts against him? I put it to you indivi-

dually; if your own characters were so attacked, would you not demand the fullest inquiry? Would you shield yourselves under a Note written to a Secretary, or a Despatch read by the Chairman of the Court of Directors? But, Sir, no argument in reply to Mr. Thompson has been brought forward on the other side, and I shall therefore not waste time by addressing any further observations to the Court. I do not think it would be right under the circumstances to do so. I shall therefore leave you the satisfaction of negating, as you no doubt will, this motion. I think it due to myself to say, that I shall most decidedly vote for this inquiry into the conduct of Colonel Ovans. I have expressed my opinion strongly before, with reference to the conduct of that officer in concealing the evidence of Krushnajeel for a period of eleven months, conduct which I again state, was a gross dereliction of his duty to the Government who employed him, and what is more, an act of the grossest injustice to the Raja. Sir, I say this advisedly, I think that this fact alone, unexplained as it is by those who are the supporters of Colonel Ovans, does affect most injuriously and fatally, the character of Colonel Ovans. Upon that ground alone, (and I will not go into the other charges in this case,) I rest my opinion that this Committee ought to be granted. The fact to which I have now referred has been stated broadly by all who have spoken upon the subject in favour of the Raja on this side the bar, and by one honourable Director at the last meeting—and *it has never been answered*. If Colonel Ovans thinks that his character can be cleared by a resolution passed without the assignment of any reason—by a majority who come down here without hearing the facts or the arguments—a majority drummed up merely for the sake of voting—I say, if Colonel Ovans is satisfied with such a mode of defending him, I can of course say nothing. I consider that a committee of inquiry is imperatively required, and ought to be appointed by this Court. The accusations brought against Colonel Ovans are most serious, and should therefore be fully investigated. For this reason, Sir, I shall support the motion of the honourable Proprietor. It is to me a subject of much regret, that none of the Directors have thought it right to give an answer to these charges, which will now go forth to the world without one word of refutation—

charges which most vitally affect the character of one of their officers. I conclude by repeating what I have said—you are the friends neither of Colonel Ovans nor of yourselves by treating a question of this nature in the manner it has been treated by the Chair.

MR. GEORGE THOMPSON.—I have to-day brought forward a motion for a select Committee of this Court, to inquire into twelve grave charges against the man who dethroned the Raja of Sattara. My proposition has been met by the Chairman with a direct negative. That gentleman has declared that the charges I have this day preferred, *have been fully investigated*, and that Colonel Ovans has been honourably and justly acquitted. In the presence of the reporters for the public press—in the face of the Chairman himself—before the assembled Court, and before the world, *I most deliberately, emphatically, and solemnly DENY THE TRUTH OF THAT ASSERTION*. I calmly, pointedly, and personally, *defy the Chairman to name the time when, the place where, or the persons by whom, these charges were ever investigated*. I pause for a reply. You do not answer. *So much the worse for your reputation*. Here, in this open Court, you tell me that these charges have been *investigated—fully investigated—publicly and privately investigated*—that there have been *decisions* upon these charges *abroad*, and *decisions* upon these charges *at home*. Here, in this open Court, I tell you that there have been *no inquiries*, and deliberately challenge you to name the tribunal by which any inquiry has been conducted. I defy you to point to *any records* of an investigation into *any one of the charges* I have now preferred. Again, I pause for a reply. You are still silent. *Silence, then, is your only answer* to this deliberate, dispassionate, and public denial of the truth of what you have affirmed. *You do not recall your words!* Be it so. They, at least, are upon record. *You shall hear of them another day*. The time will come when *you will have to support the truth of what you have this day deliberately asserted*. In the mean time, your position is bad enough, Heaven knows! It is your plain duty to inform this Court, and the public, respecting the time, the place, and the circumstances connected

with the investigation which you say has taken place. If you *can* do this, and *will not*, it will hereafter have to be considered whether you are not unworthy of your position as Chairman, and have not shown yourself capable of offering a public insult to the body to whom you are responsible. If you cannot make good what you have said—if, as I believe, *you are cognizant of the fact that there has been no inquiry of any kind* into the charges I have this day preferred, then I can only say, that Colonel Ovans does not stand alone in the unenviable situation which he now occupies. “A full investigation into these charges!” Why, the majority of those I have made to-day have been made *for the first time*. How will you explain this phenomenon? But I will admit, for a moment the truth of your assertion. If, then, the case be as you have stated, are you not anxious that this Court, as well as yourselves, should have *the evidence of the innocence* of Colonel Ovans before them; or are you afraid that what has satisfied the minds of the local authorities, and your own minds, will not satisfy ours? The first charge I ever brought against Colonel Ovans, was that of concealing the evidence of Krushnajeel. What was the result? My charge was brought in 1842. I then went to India. When I was far away, you attempted to whitewash Colonel Ovans by a despatch which your predecessor in office, much to the regret of many who knew his opinions, read from that chair six months ago. What further result has followed? Why, within the last four weeks, the truth of that charge has been *universally admitted in this Court*, and the Deputy Chairman has exclaimed in our hearing, “Who doubts that Krushnajeel wrote the petition?” and Mr. Weeding himself has ventured to hazard a few lame conjectures regarding the possible causes of the suppression by Colonel Ovans of the evidence of that fact for eleven months.

You say these charges have been “fully investigated.” Do you mean to say that it has been proved that Colonel Ovans did not write the letters which I have this day laid before the Court? Do you wish that this should be the interpretation put upon your words? Upon what have I rested my charge of suborning Bhow Leley? of intercepting correspondence? of extorting the confession of Govind Rao? of concealing the evidence of Krushnajeel? of



practising for two years a fraud upon his Government? of entering into a solemn league and covenant with the leader of gang robbers, Balkobar Kelkur? of conniving at the treasonable use of the Raja's state seals? of imprisoning persons declared by the Supreme Government, upon the evidence of Colonel Ovans himself, to be innocent? of violating a thrice-repeated pledge to respect the private property of the Raja? Upon what have I rested all these charges? Have I not rested them upon the letters of Colonel Ovans, which the Court of Directors, through their sworn examiner, have presented to Parliament, as accurate transcripts of the originals? Have I not referred you to these letters, and stated my willingness that the examination of them should be placed in the hands of a Committee, chosen by the friends of Colonel Ovans? Have I not voluntarily discarded every witness against Colonel Ovans, save Colonel Ovans himself? and have I not, of my own free will, offered to bind myself to sustain every accusation by a fair reference to the official despatches of that officer. Am I to understand by what you have this day said, that there has been a full investigation of the contents of these letters, and that the result has been, either that these letters do not record the facts I have stated, or that the acts which they record were those of an upright and honourable man, and fully justified under the circumstances in which he was placed? Why will you not tell us the nature of the verdict? Has it been "aye" or "no" upon the facts, or has it been a verdict upon the character of the acts themselves? If you are prepared to admit that Colonel Ovans did the things I have alleged—and I see not how you can deny it, since *his own letters* tell you that he did them,—why do you not tell us upon what grounds you justify his conduct? Why not tell us why you have sanctioned and approved the subornation of Bhow Leley? why you have commended the incarceration of Govind Rao, and the employment of Sukharam? why you have praised Colonel Ovans for his systematic violation of the correspondence of all parties connected with the Raja of Sattara? why you deem him a faithful officer, at the time he caused his Government *and yourselves* to believe a lie, by the concealment of the evidence of Krushnajee? why you fully approve his conduct, in neglecting to bring to light the horrid conspiracy connected with the fraudulent

use of the Raja's seals? If all these acts were virtuous acts, and if they are in your estimation worthy of your commendation and your thanks, why do you not boldly come forward and defend them by argument? *In this country such acts are crimes.* They are amongst the gravest in our statute-books—they expose a man who commits them here, to imprisonment and transportation. Colonel Ovans has sworn that he did not pay for evidence against the Raja. *I have offered to prove that he did pay for evidence against the Raja*—that his whole course of proceeding was one continued series of acts of subornation, bribery, intimidation, and extortion; and that he consorted with the most abandoned wretches on the face of the earth, to accomplish one of the worst ends—the dethronement of an *innocent*, an enlightened, and a beneficent prince, *whom he was bound by treaty to aid with his* FRIENDLY COUNSEL. I have not only charged Colonel Ovans with subornation, and the other crimes I have specified, but I have laid the proofs of my charges before you; and every document which I have put in as evidence to sustain those charges, bears the signature of Colonel Ovans himself. I call upon you to justify the oath of Colonel Ovans, which you have yourselves printed and given to the world.

I foresee the result of my present appeal. Here are your voters ready to do your bidding, and deny the inquiry which I ask. You have done as you did on the last occasion. On the evening of the first day of the last debate, you sent round your porters with notes to summon your forces to the field—and they obeyed your mandate. They mustered in your behalf, and voted that the dethroned Raja of Sattara should not be permitted to reply to the charges upon which he has been exiled and plundered. The same men are here to-day, to shield by their votes the criminal whom I would bring to justice. I know the odds against which I am called to contend. I know the influence of that *esprit de corps* of which Mr. Weeding recently spoke. I see in this Court those who are the relatives, by blood and by marriage, of Messrs. Willoughby and Ovans, and Carnac, the guilty parties in this most atrocious transaction. What can I expect, but that I shall be defeated by a large majority? Even those with whom I have the honour to co-operate on the general question, shrink from the task of assist-

ing me in this prosecution. I do not deny it—I am all but alone on this occasion; and yet, strange to say, of all who compose the East India Company, and of the many who would fain extricate Colonel Ovans from his present miserable dilemma, there is not one man to be found, with sufficient courage to undertake to gainsay a tittle of anything I have advanced. What a spectacle for the world to gaze upon! I stand up here, in my capacity as an East India Proprietor, and level the heaviest of all accusations against one of your officers, whom you have again and again declared worthy of your confidence. I repeat those accusations—I persist in them through years—I reduce them to writing—I put them in print—I sign my name to them—I send them to the party accused—I give this Court due notice of them—I make myself liable to the severest penalties, in the event of being proved to be a malicious or a false accuser—I do not hide myself—I walk through the streets of London—my residence is known—I am ever to be found, and am ever accessible. And yet, though I charge Colonel Ovans with being a suborner of false testimony, an opener of letters, a confederate of thieves, and forgers and perjurers, a traitor to his trust as a British officer, a concealer of evidence, a misleader and deceiver of the Government he served, and a swearer to an affidavit at utter variance with the statements contained in his own official despatches, neither Colonel Ovans nor the friends of Colonel Ovans have one word to say in refutation of those charges, nor do they take one step towards silencing by a process at law the person who brings them. This is what I suppose you dignify with the name of a prudent course. Are you quite sure it is a prudent course, as far as you are concerned? Is it not possible that you may be involving yourselves beyond future redemption? Do you ever stay to consider the verdict which will hereafter be pronounced upon your own conduct? Are you sufficiently regardful of the fact, that all these charges are founded upon the documents which you have furnished to the Imperial Legislature of the country? Do you bear it constantly in your mind, as I think you should do, that the evidence which I bring forward, has come through your hands, and that you are under an oath of office to consider all such evidence with impartiality, and to do justice without respect of persons. Are you

aware, that if you fail hereafter to justify your praises of Colonel Ovans, they will turn into so many sentences of condemnation on yourselves; and that what may now be sweet as honey to Colonel Ovans, may by and by be bitter as gall to you? Do you reflect that these despatches, and minutes, and amendments, will all rise in judgment against you, in the day when the guilt of Colonel Ovans is manifested, and you see him visited with the punishment he deserves? You may call your conduct chivalrous towards him, but what is it towards the Raja of Sattara, and the cause of truth and justice, and innocence? Beware! I tell you calmly—you cannot save *Colonel Ovans*, but you may *sink yourselves*. Remember, we are in England; in a land where the press is free—where judges are incorruptible, where juries are honest, and where public opinion will decide a cause equitably as respects the criminal, even when the accuser may be made individually to suffer, on mere legal and technical grounds. It may be, that in my zeal for the innocent and suffering Raja, and in my unfeigned horror and detestation of the crimes which I firmly believe Colonel Ovans has perpetrated towards that unhappy prince, I may have exposed myself to danger. Be it so. Welcome the penalty of having been less wise than I might have been in the cause of truth. It is little, God knows, that I can do for the Raja, but I am willing, God also knows, to suffer for him. Whatever I may have done that is legally wrong (though I am all unconscious of having exceeded my duty or my privilege) I am firmly upheld by the conviction, that whatever I have done has been morally right.

Consider well the effect of the vote you are about to give. I am not answered—I recall the word—I am answered. Your profound silence is an all-significant and convincing answer. It proclaims, louder than the sound of trumpets to the world, that Colonel Ovans is guilty—*guilty of every crime I have alleged against him*. Guilty in the presence of twenty-four Directors of the East India Company, and in the presence of this assembled Court. Consider well, I say, the effect of your vote. If you negative my motion, what then? I shall immediately hand in my charges with all due formality. The press will publish them—you must publish them,—and this day three months

you will have to sit and hear my evidence in support of them; and after that you will have to vote yes or no upon those charges. You will then but have put off the evil day. I tell you more. I have charges in store for others besides Colonel Ovens, and these also I shall prefer and prove. I tell you yet more. I am the depository of a few secrets concerning the motives and conduct of the leading parties in the proceedings against the Raja, and though the exposure of these may have less to do with the establishment of the Raja's innocence than the charges I have now brought against Colonel Ovens, I shall nevertheless deem it my duty to drag them into the light of day, and hold them up to the wonder and execration of the world; and when I have done so, and those whom you are now seeking to justify, are the objects of universal abhorrence, you will have yourselves to thank for the ruin of reputation in which they will be for ever involved.

What I again ask, do you expect to gain by your refusal to go into the inquiry proposed? If conscious that you are right, why do you not at once bring the question to issue and have it settled? If you are conscious that you are wrong, why do you accumulate materials for your future condemnation by resisting the evidence, and continuing to keep an innocent man in captivity while you protect those who have been the guilty instruments of his ruin? I have told you before, and I once more warn you, of the inevitable consequence of such a course—it is your own destruction. The idea is already abroad, and it is gaining rapidly on the public mind, that you are not the friends but the opponents of justice; that the Court of Directors are the supporters and abettors of those who have perpetrated the most horrid crimes against the Raja of Sattara, and that the minions of that Court in this place are ready at all times to defend their patrons with their votes, and to declare that black is white in the cause of their hon. masters. While you had it in your power to prevent publicity being given to such conduct, you enjoyed security in your misdeeds. While a vote in this Court was sufficient to silence the advocate of truth, you were safe. Such is not now the state of things. You are already afraid to speak, and are reduced to the last and most miserable expedient of giving dumb votes. Before long, your usual supporters will be ashamed

to come and do your dirty work, and not even your urgent notes, nor your liberal lunches set out for them in an adjoining room, will be inducements strong enough to bring them to this Court, to disgrace themselves by a vote in your favour. During this process, the public will by degrees, slow it may be, but most certainly, learn the merits of this case; and the press, at present disposed to regard these proceedings as petty squabbles upon an insignificant subject, will embody the feelings of an indignant people. The Government, in the interval, will not be indifferent to the matter, and when once they have you on the hip, will feed fat the ancient grudge they owe you, will make a virtue of necessity, and will not only mete out punishment to those you are now seeking to shield, but will deal with you as with accessories after the fact.

I do not wish it to be understood that my sole motive in arraigning Colonel Ovans, is the exposure and punishment of that individual; though I consider it of the utmost importance that, by making an example of one so pre-eminently guilty, there should be some check put to the manifestly unjust and immoral practices of British Residents at Native Courts, and some more clear definition of the extent of their power, and the nature of their duties. Apart, however, from this view of the question, I am led to feel a deep interest in the issue of this inquiry, for the special reason that, if Colonel Ovans be guilty, the establishment of the Raja's innocence follows as a matter of course, since the proof of that guilt is also the proof that the whole proceedings against the Raja were corrupt, and that he was ultimately deposed upon evidence not only suborned but demonstrably false and perjured.

I now, Sir, leave my motion in the hands of the Court. It is supported by reason, by justice, and by necessity. It suggests a course to which I can conceive no possible objection. Should it be rejected, I shall then be fully justified in the ulterior measures which I contemplate; and upon the heads of those, who by their votes may defeat my present object, will lie the responsibility of all future consequences.

The motion was then put and negatived.

MR. GEORGE THOMPSON.—Sir, I have another motion to bring

forward to-day, which is one of very great importance. The motion I have to submit is to this effect:—"That it be proposed as a question to Counsel whether the dethronement of the Raja of Sattara was or was not an illegal act." There is a statute of the 33rd of George the Third, chap. 52. That Act distinctly and expressly declares, that no hostile measures shall be pursued towards any prince in India, nor any treaty formed with any native prince in India, nor any treaty already made with any native prince in India, disturbed, except by the express command of the Secret Committee of the Court of Directors, by and with the advice and consent of Her Majesty's Board of Commissioners for the affairs of India. The Raja of Sattara was dethroned without any of those preliminaries which, as expressed in the Act, are necessary to constitute such an act a justifiable and legal act. A new treaty may be made, a prince dethroned, or a country invaded, where there is open hostility on the part of the native power, or imminent peril threatening the existence of the British Government in India; but the Raja of Sattara was dethroned under no such circumstances; he was dethroned after he was declared innocent by the Court of Directors.

Captain RANDALL.—I beg pardon of the honourable Proprietor, but I believe it is very unusual in a Proprietor to make a motion.

The CHAIRMAN.—Mr. Thompson is in order. Proceed, Mr. Thompson.

Mr. GEORGE THOMPSON.—I will not occupy the attention of honourable Proprietors many moments. I merely wish to state the grounds on which I bring forward this motion. It has long been my opinion that the dethronement of the Raja of Sattara was an illegal act, inasmuch as the state of Sattara was, at the time, one of perfect tranquillity. The Raja had not been guilty of any overt act—no peril threatened our Government—there was no case of imminent emergency—and no prospect of our suffering from the delay of measures—and yet, under these circumstances—at the very moment when the British Resident was instructed by Sir James Carnac to assure his Highness of the desire of the British Government to maintain the relations of perfect amity—at that very moment, articles were being drawn up, the refusal to sign which constituted

the only crime of the Raja, and led to his dethronement. Now, Sir, we are under Statute law. We can do nothing, as a Company, repugnant either to the letter or the spirit of Statute law. This is not a law far-fetched, and only indirectly relevant to the question in hand ; but is a statute framed for the express purpose of meeting cases like the present. The act is made for the case, and the case is made for the act ; it bears directly upon it, and I want to know, without speaking of the guilt or innocence of the Raja, whether the act of his dethronement was a legal or an illegal act. To facilitate this, I have specified in my motion certain papers, which I honestly believe to contain all that is necessary, with the exception of the act itself, and the treaty, to be laid before counsel. These papers are—the first Minute of Sir James Carnac upon the subject—the second Minute, which contains a statement of the measures intended to be pursued—his long Minute of the 4th of September, in which he states the nature of his interviews with the Raja—his Letters of Instructions to Colonel Ovens—the Proclamation which Colonel Ovens issued, and the Letter of Colonel Ovens giving the result of the measures he had adopted for the dethronement of the Raja. I want these documents, together with the treaty, and the reference to the statute, to be submitted to counsel, and I am desirous that this Court should have before them a legal opinion as to the legality or otherwise of this act of dethronement of the Raja. I therefore move :—

“ That the following papers, namely : a minute recorded by Sir James Rivett Carnac, Governor of Bombay, dated 19th June, 1839, (*vide* papers printed by the House of Commons, No. 569, of 1843, p. 253,) a minute by Sir James Rivett Carnac, dated 20th June, 1839, (printed par. papers, p. 255,) a letter from Sir James Rivett Carnac, to Lieutenant-Colonel Ovens, Resident at Sattara, dated August 30th, 1839, (printed par. papers, p. 469,) a proclamation issued by Lieutenant-Colonel Ovens, dated September 5th, 1839, (printed par. papers, p. 1153,) a letter from Lieutenant-Colonel Ovens, to Sir James Rivett Carnac, dated September 5th, 1839, (printed par. papers, p. 470,) and a minute by Sir James Rivett Carnac, dated September 4th, 1839, (printed par. papers, p. 265,)



be submitted to the consideration of counsel, and that an opinion be requested, whether the dethronement of his Highness Pertaub Shean, the ex-Raja of Sattara, was or was not a violation of an Act passed in the Thirty-Third Year of the Reign of his Majesty George the Third, cap. 52, secs. 42 and 43; and that such opinion, when obtained, be laid before a Special Court, to be convened for the purpose of receiving and considering the same."

The Clerk then read the Motion.

The CHAIRMAN.—Does any person second the Motion?

Mr. PETER GORDON.—I second the Motion with great pleasure. The Motion was then put and negatived.

Mr. GEORGE THOMPSON.—Now, Sir, having lost two motions to-day, before this Court adjourns, I have two notices to give; one arising out of the defeat of my first motion, and the other out of the defeat of the second, which has just been lost.

### FIRST NOTICE OF MOTION.

#### CHARGES AGAINST COLONEL OVANS.

1. That Colonel Ovans, who was bound by treaty to give his advice to the Raja for the good of Sattara his state, and for the maintenance of the general tranquillity, did, on the very day of his arrival at Sattara, on the 16th of June, 1837, and of his assuming office as Resident and Commanding Officer of the British troops, authorize his staff officer, Captain F. Durack, to pay to one Bhow Leley, a man Colonel Ovans had never seen, and of the "worst character," the sum of 200 rupees, for the production of certain documents purporting to criminate the Raja, and also to give to the said Bhow Leley a written assurance that he should be further rewarded, in proportion to the services he might render; and that when Bhow Leley failed to produce such documents at the time appointed, Colonel Ovans authorized Captain Durack to give him another trial: which acts of Colonel Ovans, were a subornation of evidence against the Raja, a gross violation of his duty as Resident, and such as proved him to have come to Sattara, as the unscrupulous enemy of the Raja: further, that these acts were concealed by Colonel Ovans from the knowledge of his Government.

2. That Colonel Ovans did, from the time of his assuming office as Resident, down to the period of the Raja's dethronement in the month of September, 1839, systematically intercept, and cause to be intercepted, the whole of the correspondence of the Raja, his servants and his friends; and that Colonel Ovans did convert such systematic intercepting, opening, and perusing of the said correspondence, into a means of counteracting and defeating every endeavour which the Raja made to obtain a hearing, and to make known his case to the British Government; and into a means of secretly calumniating the friends of the Raja to the British Authorities.

3. That Colonel Ovans did, in the month of July, 1837, obtain the removal of Govind Rao, a subject and friend of the Raja of Sattara, then confined at Poonah, to strict confinement in the fortress of Ahmednuggur, where, by means of a Secret Emissary sent from Sattara expressly for the purpose, Colonel Ovans, obtained from Govind Rao, a paper, purporting to be a Confession of the Truth of a Petition criminalizing the Raja, which Petition as Colonel Ovans had previously reported to his Government, had been proved by him to be the Petition of Girjabae, the mother of Govind Rao; by which act Colonel Ovans was guilty of Extorting Evidence against the Raja by the foul means of imprisonment and duress.

4. That Colonel Ovans did suppress from the knowledge of his Government, for a period of eleven months, that is to say, from the 7th of September, 1837, until the 16th of August, 1838, the Evidence of Krushnajee Sadasew Bhidey; which evidence established the fact, that he, Krushnajee Sadasew Bhidey, was the actual writer of the Petition ascribed by Colonel Ovans to Girjabae, the mother of Govind Rao, and which Evidence further proved, that the account of the said Petition, which Colonel Ovans had sent to his Government on the 21st of July, and the 12th of August, 1837, was entirely false.

5. That on the faith of the above false information, Colonel Ovans obtained from the Government of Bombay, full power to imprison the persons named in the Petition, and to pursue any inquiries which he might deem advisable, into the plots alleged in it; in virtue of which power, Colonel Ovans imprisoned many persons,

the subjects of the Raja, and instituted extensive, complicated, and secret investigations, which he made the matter of numerous secret Reports,—based on which recorded Reports, the Government of Bombay and the Government of India, transmitted to the Authorities in England, voluminous Minutes; those Governments being wholly ignorant at the time, that Material and Important Evidence had been withheld by Colonel Ovans from their knowledge.

6. That Colonel Ovans disclosed the Evidence of Krushnajee Sadasew Bhidey to the Bombay Government eleven months after he had taken it; and only when he had learned, from the interception of the Raja's Correspondence, that Girjabace, the mother of Govind Rao, had solemnly denied all knowledge of the Petition he had ascribed to her.

7. That Colonel Ovans, notwithstanding the suppression of the evidence of Krushnajee Sadasew Bhidey, entertained that person as a witness against the Raja, allowed him a monthly stipend for nearly two years, and authorised the payment to him as gratuities, in one instance of fifty rupees, and in another instance, of one hundred rupees.

8. That Colonel Ovans induced the Government to grant a Free Pardon to one Balkoba Kelkur, a gang-robber and fugitive from justice, whom he had never seen, and that he entered into a bargain with this gang-robber, to redeem, for the sum of forty pounds, certain Documents pawned in the Goa Territories, the most important of which purported to be authentic and treasonable letters, addressed by the Raja to the Portuguese Viceroy of Goa, and authentic answers thereto, addressed by the Viceroy to the Raja.

9. That Colonel Ovans, in the month of September, 1838, was offered by Ballajee Punt Nathoo, his Chief Adviser, and Ballajee Kasee Khibey, his native agent, a highly treasonable Paper, or Proclamation, bearing the genuine seals of the Raja of Sattara, and calling upon the native troops in the service of the British Government, to rise and extirpate the English. That it was intimated at the time, that this paper was probably obtained by foul means, and that, if then produced as evidence against the Raja, his Highness might

establish such to be the case. That on this intimation, Colonel Ovans declined, then, to receive the paper, on the ground, as he stated, that it might throw doubt on the genuine papers then in his possession. That Colonel Ovans afterwards suffered this paper to remain in the possession of his native agent for four months, until the 25th of January, 1839. That during those four months Colonel Ovans wholly abstained from making any inquiry into the genuineness of this paper, or the means by which it had been obtained, and that he apprised his Government of its existence only when he learned from the interception of the Raja's correspondence, and from the Raja himself, that his Highness had detected the plot by which the impressions of his seals had been fraudulently obtained, and the treasonable purposes to which they had been applied.

10. That Colonel Ovans, during the course of the proceedings carried on by him in the above manner against the Raja of Sattara, did seize and imprison a large number of the Raja's subjects, without accusation, that he kept them in prison without trial, and only released them when the dethronement of the Raja had been effected.

11. That Colonel Ovans, when intrusted with the execution of the measures connected with the dethronement of the Raja of Sattara, was guilty of treating his Highness with unnecessary and gratuitous harshness and indignity, and wantonly put in peril the peace of the Raja's capital, and the lives of its inhabitants.

12. That Colonel Ovans, after having been the medium of conveying to the Raja the written assurance of the Government, that if his Highness peaceably submitted to the order for his deposal, his private property would be respected; and after having written three several official notes to his Highness, in which he distinguished the property which was private from that which belonged to the State, did nevertheless afterwards advise the Government to confiscate the whole of the Raja's property without exception.

## SECOND NOTICE OF MOTION.

### ILLEGALITY OF THE RAJA'S DETHRONEMENT.

That whereas, on the 25th of September, 1819, a treaty of per-

petual friendship and alliance was concluded between the Honourable East India Company and his Highness Maharajah Pertaub Shean, the Raja of Sattara :—

And whereas, his Highness Pertaub Shean, so conducted himself as an ally of the East India Company, that on the 29th of December, 1835, the following letter was unanimously agreed to by the Court of Directors :—

Your Highness,—We have been highly gratified by the information from time to time transmitted to us by our Government, on the subject of your Highness's exemplary fulfilment of the duties of that elevated situation in which it has pleased Providence to place you.

A course of conduct so suitable to your Highness's exalted station, and so well calculated to promote the prosperity of your dominions and the happiness of your people, as that which you have wisely and uniformly pursued, while it reflects the highest honour on your character, has imparted to our minds the feelings of unqualified satisfaction and pleasure. The liberality, also, which you have displayed, in executing, at your own cost, various public works of great utility, and which has so justly raised your reputation in the eyes of the princes and people of India, gives you an additional claim to our approbation, respect, and applause.

Impressed with these sentiments, the Court of Directors of the East India Company have unanimously resolved to transmit to you a sword, which will be presented to you through the Government of India, and which, we trust, you will receive with satisfaction, as a token of their high esteem and regard.

With sincere wishes for your health and prosperity, we subscribe ourselves in the name of the Court, your Highness's most faithful friends, W. S. Clarke, Chairman, J. R. Carnac, Deputy.

And whereas, in 1836, certain enemies of his Highness the Raja of Sattara did conspire to effect the ruin and dethronement of that Prince, by preferring false charges against him to the British Government :—

And whereas, when these charges, and the evidence in support of them, had been forwarded to the Court of Directors, and had been considered by them, it was the decided opinion of that body, that it would not only be a waste of time, but seriously detrimental to the character of the Government, to carry on any further inquiry into the matter :—

And whereas, this opinion was communicated to the Government of Bombay and the Government of India, in despatches from the Court of Directors, dated, respectively, the 13th June, 1838, and the 20th January, 1839 :—

And whereas, Sir James Rivett Carnac, on his appointment to the office of Governor of Bombay, received no instructions from the Court of Directors to dethrone, or otherwise to punish the Raja of Sattara ; but, on the contrary, was empowered to suppress all further inquiry into the charges that had been made against the Raja, and to consign the matter to entire oblivion :—

And whereas, Sir James Carnac did, in a minute recorded by him on the 19th of June, 1839, propose that the Resident of Sattara should be instructed to assure his Highness of the desire of the British Government, to maintain the relations of amity with him ; and did further declare, ‘ that the British Government had nothing to fear from the Raja, and could afford to act with generosity :’—

And whereas, Sir James Rivett Carnac did, at a personal interview with the Raja, on the 23rd of August, 1839, inform his Highness that three important violations of the treaty had been proved against him :—

1st. Of the 5th Article, in having, during a series of years, held improper communications with the Goa authorities.

2nd. Of the same Article, in having held a clandestine intercourse with Appa Sahib, the ex-Raja of Nagpoor.

3rd. Of having tampered with the native officers of the 23rd regiment of native infantry.

And whereas, Sir James Rivett Carnac did, at a subsequent interview, on the 27th of August, peremptorily require the Raja to

sign certain articles, to which the following preamble was affixed ; viz. :—

Information having been received by the British Government that your Highness, misled by evil advisers, had, in breach of the treaty which placed you on the throne, entered into communications hostile to the British Government, an inquiry into these accusations was considered indispensable. This inquiry has satisfied the British Government that your Highness has exposed yourself to the sacrifice of its alliance and protection. Nevertheless, moved by considerations of clemency towards your Highness and your family, the British Government has resolved entirely to overlook what has passed, on the following conditions, namely, &c., &c.

And whereas, the Raja of Sattara did, at these interviews, declare his entire and absolute innocence, and earnestly implore permission to be heard in reply to the charges which his enemies had brought against him, and in refutation of the evidence in support of them, and did also express his willingness to submit to any conditions which did not require him to abandon his religion, or to acknowledge, in violation of his conscience, that he had been the enemy of the British Government :—

And whereas, for the sole reason of having refused to sign the articles and preamble submitted to him, he was, on the 5th of September, 1839, and, by the authority of Sir James Carnac, forcibly taken a prisoner and dethroned, and a proclamation issued by the Resident, declaring his brother, Appa Sahib, (his bitter enemy,) the Raja of Sattara :—

And whereas, by the 33 Geo. 3. cap. 52. sec. 43, it is enacted that ‘it shall not be lawful for the Government of Bombay,’ &c. ‘to make or issue any order for commencing hostilities, or levying war, or to negotiate or conclude any treaty with any Indian prince or state, (except in cases of sudden emergency, or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty,) unless in pursuance of express orders from the Governor-general in Council, or from the Secret Committee, by the authority of the Board of Control :’—

And whereas it is further enacted, in section 42 of the same Act, that 'It shall not be lawful for the Governor-general in Council, *without the express command and authority of the Court of Directors, or of the Secret Committee, by the authority of the Board of Control, in any case,* (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities against the British nation in India,) either to declare war or commence hostilities, or enter into any treaty for making war,' &c. :—

Resolved, That the dethronement of his Highness Pertaub Shean, the ex-Raja of Sattara, under the circumstances now set forth, was a violation of the above statute, and was, therefore, an ILLEGAL act.

THE COURT THEN ADJOURNED.

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## ARTICLES

FROM THE

# BRITISH INDIAN ADVOCATE.

*Of the 22nd October, 1845.*

WE this day present to the contemplation of our readers another instructive specimen of the way in which matters are managed in Leadenhall-street. How long, we ask, can things go on as at present?

An officer in the service of the East India Company, and late a representative of the British Government at the Court of a native Prince, an Ally of the Company—an officer who is admitted to have been a principal agent in the dethronement of that allied prince,—is accused of having conspired with a gang of traitorous and abandoned wretches to bring false charges against the ruler he was bound to aid with his



friendly advice—with having had recourse to bribery, subornation, personation, forgery and perjury, in support of those charges, and with having at last duped his own Government into acquiescence in measures ending in the ruin of his innocent victim.

This charge is not preferred hastily and in the heat of debate, but deliberately, after long notice, and a patient waiting for the appearance of the accused. It is not brought in the way of empty and unsupported assertion, but is backed by an array of proof of the most unexceptionable kind—even the Official letters of the party implicated. It is brought by an East India Proprietor—by a gentleman legally authorised to prosecute the cause of the dethroned Prince, and entitled, from his position at the India House, as a Proprietor, to demand an inquiry into the conduct of any servant belonging to the Company.

How is this charge treated? The Chairman—the organ for the time, of the Court of Directors—declares that the conduct of the officer accused has been “fully investigated,” both by the local authorities, and (“privately”) by the Court of Directors, but declines to say where, or when, or in what way the inquiry was conducted—declines to name the records in which the proceedings said to have taken place may be found—declines to describe the process of the inquiry—and declines to say on what evidence the accused was acquitted.

What is the answer given to the Chairman? We quote from the Report of Mr. THOMPSON'S speech :—

“I have to-day brought forward a motion for a select Committee, to inquire into twelve grave charges against the man who dethroned the Raja of Sattara. My proposition has been met by the Chairman with a direct negative. That gentleman has declared that the charges I have this day preferred, *have been fully investigated*, and that Colonel Ovans has been honourably and justly acquitted. In the presence of the reporters for the public press—in the face of the Chairman himself—before the assembled Court, and before the world, *I most deliberately, emphatically, and solemnly DENY THE TRUTH OF THAT ASSERTION*. I calmly, pointedly, and personally, *defy the Chairman to name the time when, the place where, or the persons by whom, these charges were ever investigated*. Here, in this open Court, I

am told, that these charges have been *investigated—fully* investigated—*publicly* and *privately* investigated—that there have been *decisions* upon these charges *abroad*, and *decisions* upon these charges *at home*. Here, in this open court I tell you, that there have been *no inquiries*, and deliberately challenge you to name the tribunal by which any inquiry has been conducted. I defy you to point to *any records* of an investigation into *any one of the charges* I have now preferred.”

Again we ask,—How long can such a state of things exist? An officer of the East India Company is charged upon the evidence of his own letters, with crimes of the most tremendous nature, but no answer is given, either by himself, or his immediate employers. The Chairman of the Court of Directors is distinctly charged, to his face, with having declared what he is unable to prove—and the Chairman is silent. This is a strange state of affairs!

Can it be! that the crime of one party is defended by the silence of another? If not, can Sir Henry Willock sit quiet under the imputation of having deliberately stated what is not the fact? One thing, however, is certain. The Chairman stated either too much, or too little. Having said what he did, he was bound to say more. He was bound to put the Court in possession of all the particulars relating to the inquiry which he affirmed had taken place. He was bound to show that that inquiry had reference to the specific charges which had been brought forward. He was bound to state on what grounds the verdict in favour of Colonel Ovans had been given. All this it was his duty to do in deference to the Court, in vindication of Colonel Ovans, and in justification of his own character; and we might add, in duty to the public—made aware of the nature of the charges, through the public press.

Looking calmly, however, at the quality of the evidence brought forward in support of the charges, we are utterly at a loss to conceive the possibility of successfully meeting them. All those which most deeply affect the moral character and official conduct of Colonel Ovans, are made to rest upon the testimony of the letters of that officer; and our examination of these documents leaves no doubt upon our minds that those charges are fully sustained. Hence, our inability to imagine by what process of investigation any tribunal has been able to give a conscientious verdict of “Not Guilty.” We see

not how such a verdict can be given, without denying the authenticity of the letters which the Directors themselves have returned to Parliament, as genuine copies of letters addressed by Colonel Ovans to his Government.

Can it be, that the Directors themselves consider, that a man may be guilty of subornation, extortion of evidence, of sending false statements to his Government, of concealing for eleven months the proof of forgery and perjury, and other and similar acts, (regarded in every civilised country as crimes,) and yet be an honourable man, and worthy their employment, their confidence, and their esteem? If so, what then are we to think of the Directors?

At present we can suggest no solution of the mystery, but what would involve the Directors in the disgrace of supporting Colonel Ovans, with a full knowledge of his guilt.

For four years we have watched the progress of the charges against Col. Ovans, and to the present have heard no answer, nor so much as an attempt at an explanation of his conduct; and yet we have heard many eulogiums pronounced upon that individual, and on occasions when proofs of innocence should have been furnished, instead of empty panegyrics. We have read, over and over again, all that has referred directly or indirectly to Col. Ovans, and, having done so, we can discover neither a refutation of the charges brought against him, nor a single circumstance in extenuation of the crimes which they involve. As for the Directors, they have committed themselves to a most hazardous issue, and, for the present, we can only wish them a happy deliverance.

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### GOVIND RAO *VERSUS* MR. HOGG, M.P.

IT is the wise and just remark of one of the fathers of the church, "Primus sapientiæ gradus falsa intelligere." Indeed there can be no surer mark of a sound understanding, than the capacity to distinguish truth from falsehood.

We are curious to know whether the hon. member for Beverley will ever have the hardihood to open his lips again in the House of Commons. Should he re-appear among the representatives of the people, as an authority on Indian matters, he will prove in his own person, the truth of Swift's observation, that every man has just as much vanity as he wants understanding. His vanity and assurance, however, will scarcely, we think, be sufficient to obtain for him a hearing, after the exposure of his mendacity on the subject of Govind Rao's confession.

Our readers must be by this time familiar with the history of Govind Rao, the unhappy victim of the baseness and cruelty of Colonel Ovens.

When Mr. Hogg made his speech in the House of Commons, on the 22nd of July last, he had in his possession the official papers containing the proof that Govind Rao had been removed from confinement at Poonah to the fortress of Ahmednuggur, for the purpose of enabling Colonel Ovens to try the experiment whether solitary confinement and the employment of a secret agent would have the effect of inducing him to criminate the Raja of Sattara.

Mr. Hogg had also the proof in his hands, at the time he spoke, that Sukharam Bullal was despatched by Colonel Ovens on a secret mission from Sattara to Ahmednuggur, for the express purpose of extorting from Govind Rao a confession to the truth of what Colonel Ovens knew to be false.

Mr. Hogg had also the proof before him, that this secret agent visited the dungeon of Govind Rao daily for nearly three weeks, before he got from him the acknowledgment which Colonel Ovens was anxious to obtain.

Mr. Hogg had also the proof, in the handwriting of Mr. Hutt, the judge at Ahmednuggur, that the confession was neither seen nor heard by the latter, until it was presented in a written form, having been previously prepared at the dictation of Sukharam Bullal.

Mr. Hogg had also the proof in his hand, whilst he was speaking, that Govind Rao, on his liberation after a three years' captivity, made a voluntary and solemn declaration, on the 8th of January, 1842, that the statement given by him at Ahmednuggur, was extorted from him by the agent of Colonel Ovens.

All these facts, we deliberately affirm, were perfectly well-known to Mr. Hogg, when he delivered himself to the following effect in the House of Commons. We quote from *Hansard's Debates* :

“After the Commission had closed its proceedings, this person (Govind Rao) was sent as a kind of state prisoner, first to Poonah, and afterwards to Ahmednuggur. About this time, also, Girjabae, the mother of Govind Rao, actuated either by feelings of irritation against the Raja for having surrendered her son, or by the hopes of obtaining her son's liberation, *presented a petition to Government*, stating the names of several persons implicated in these transactions.”

This statement Mr. Hogg must have known to be false, as he had the proofs before him that the petition was a forgery, and had also the declaration of Girjabae, that she had *never* sent any petition to the Government :

“These persons were in consequence examined, and their testimony corroborated and confirmed the evidence taken under the Commission. But *the strongest corroboration arising from coincidence of evidence was the statement of Govind Rao himself, who, at a distance of nearly a hundred miles, and examined by a magistrate wholly unconnected with the matter, confirms by his testimony the evidence given at Sattara*. The importance of this evidence was felt by the adherents of the Raja, and how did they meet it? By alleging that Govind Rao was confined in a dark dungeon at the peril of his life, and that the statement was extorted from him by Mr. Hutt, the magistrate of the district.”

Mr. Hogg knew that during the whole of the discussions at the India House, it had never once been alleged that Mr. Hutt had anything to do with the confession.

“Now what were the facts as appears by Mr. Hutt's letter to Government? That he ordered a separate house to be taken for Govind Rao, who was treated with every consideration ; and that *Govind Rao himself volunteered the statement*, which was taken in Mr. Hutt's own house, Govind Rao writing it in Mahratta, while Mr. Hutt took it in English.”

Mr. Hogg, not satisfied with the speech from which we have quoted, made another in the Court of Proprietors; in the course of which he declared that the confession of Govind Rao was not only "voluntary, but volunteered."

Unfortunately for Mr. Hogg, not many days elapsed after the utterance of this assertion, before there arrived in this country three petitions from Govind Rao, addressed, respectively, to the Court of Directors and the two Houses of Parliament. A faithful translation of one of these petitions will be found in our report of Mr. Thompson's speech, (see p. 317.) The following extract will enable our readers to judge of the amount of credit due to Mr. Hogg; and will also, we think, settle for ever his claim to be regarded, either in or out of Parliament, in the light of an Indian authority, or of a credible witness on any other subject relating to a matter of fact:

"When the two Native Officers of the 23rd Regiment of Native Infantry informed the Resident, Colonel Lodwick, of the calumny they had raised, accusing me of treason, he (the Resident) sent to Maharaj (the Raja of Sattara) for me, and placed me in confinement; after which, Mr. Willoughby and Colonel Ovans were deputed to inquire into the business, and formed a committee, in conjunction with the Resident, for that purpose: and, on that occasion, on being confronted with my calumniators, *I declared their statements were false.*

"Though there was no evidence to convict me, yet considering me under suspicion, I was sent to Poonah, to be placed under the surveillance of the judge; after which, with no other view but to give me further uneasiness, I was sent to Ahmednugger, and placed in confinement in a narrow dirty room, where I was forbidden to converse with, or see any one; and so my condition was more wretched than before.

"While there, my uncle, (Sukharam Bullal,) who is a servant of Appa Sahib, the Maharaj, and (what I was not at the time present aware of) an accomplice of Ballajee Punt Nathoo, was brought to me, and had an interview with me.

"From him I was led to believe that the severity of my treatment at the hands of the Bombay Government arose from *my not telling*

*the story they wanted me to tell*, and that without my doing so, I could expect no relief; and indeed, that my life would be endangered by my obstinately adhering to the truth, which could not possibly be of any service to me; moreover, that since the Government *had determined on the ruin of my master, at all events*, no good could come of my adhering to the truth now; so that I had far better, just for the present, admit in writing *what they wished*; for this was not a time when truth would avail anything.

“Being persuaded by this, *I wrote as I was desired*; after which, hearing that certain enlightened and just persons in London had taken into consideration the injustice done to my master, and were inclined to assist him, I wrote and sent to London a declaration, dated 8th of January, 1842, *in which the true state of the case was set forth.*”

What Mr. Hogg will say, when a petition similar to that from which we have taken the above is read in the House of Commons, it is impossible for us, who are familiar only with the language of truth, to divine.

We are prepared at any moment to produce the official evidence, that every statement of fact made by Mr. Hogg in the House of Commons, is capable of as complete and unanswerable a refutation as that which we have now offered to his assertion, that the confession of Govind Rao was “voluntary and volunteered!”

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#### COLONEL OVANS AND KRUSHNAJEE SADASEW BHIDEY.

THE following letters were read by Sir James Emerson Tennent during the debate in the House of Commons, 22nd July, 1845. The idea of prosecuting, as an infamous libeller, a man who had entered into heavy recognizances to prove the truth of every charge which he preferred against Col. Ovans, and was prevented from proving them through the efforts of Mr. Willoughby *and the advice of Colonel Ovans himself*, is most amus-

ing. Would it not be better to take the evidence of Krushnajee first, and prosecute him afterwards?

If Col. Ovans is so jealous of his reputation, is there nothing requiring to be done in the way of defending it, here in London? Has not Rungoo Bapojee, of No. 9, Blandford-place, Regent's-park, London, offered to prove that Colonel Ovans has been guilty of moral, if not of legal perjury?

Has not Mr. George Thompson, an East India Proprietor, of No. 6, Waterloo-place, London, accused Col. Ovans—

1. Of subornation of evidence?
2. Of violation of correspondence?
3. Of extortion of false testimony?
4. Of concealment of evidence?
5. Of gross fraud upon his Government?
6. Of purchasing forged papers from a gang-robber?
7. Of suppressing the proof that the Raja's state seals had been fraudulently affixed to treasonable documents?
8. Of falsely imprisoning, without accusation, and without trial, innocent persons, the subjects of the Raja?
9. Of wantonly putting in peril the lives of the people of Sattara?
10. Of violating a solemn written pledge, by the confiscation of the Raja's private property?
11. Of maligning, in secret letters, the motives and conduct of honourable men in the service of the East India Company?
12. And finally, of being the instrument of fulfilling an order, that was contrary to the statute law of the realm?

Would it be worth while, (unless Col. Ovans is very anxious to leave England,) for him to go to India in pursuit of Krushnajee, and leave these charges unanswered at home? Or does Col. Ovans deem it easier to crush a helpless native of India, than to contend with Mr. Thompson?

Why did not Col. Ovans ask the House of Commons to send out orders to take the evidence of Krushnajee? And why do not his honourable masters set on foot the investigation which Col. Ovans talks about in his letter to "My dear Melvill?" Did



Col. Ovans know before-hand, that he might vapour as he has done in his letters, with impunity ?

Did Col. Ovans never hear of shawls and necklaces being given by the puppet Raja to any other persons besides Mrs. Ovans ? Can he not remember some scandal in Bombay, about six years ago, respecting such things ? But enough. Here are the letters—they are curiosities in their way, and we transfer them from *Hansard's* to our own columns, because, when the charges we have enumerated above, are disposed of, *we shall have something to say about them, and about the matters to which they refer.*

The charges of Krushnajee, if true, are bad enough, certainly ; but the charges which Rungoo Bapojee and Mr. Thompson have brought against Col. Ovans, are far worse ; and we tell Col. Ovans that if he cannot meet and answer these charges, he need give himself very little trouble about the others. A man might as well make a fuss about a pimple on his face, with a mortification travelling to his heart. They must be very simple persons indeed, who are led away by Col. Ovans's bluster about Krushnajee's charge, while the *honourable* and *gallant* officer is so profoundly quiet under accusations of an infinitely graver nature. While Mr. Willoughby is at Bombay, Col. Ovans may safely stay at home. Mr. Willoughby has reasons, almost as good as those of Col. Ovans, to desire to keep Krushnajee *quiet*. Here are the letters.

TO LORD VISCOUNT JOCELYN,  
*Secretary of the Board of Control.*

My Lord,—As I observe that a Motion is to be made this evening in the House of Commons by Mr. Hume,—“ That her Majesty will be pleased further to direct inquiry to be made into the charges for bribery and corruption by Krushnajee Sudasew Bhidey (as stated in the Papers before this House) against Col. Ovans, whilst resident at Sattara,” I trust your Lordship will do me the favour to lay before Lord Ripon my unequivocal and unqualified denial of this atrocious charge : as also to state, that I am ready to proceed at once to India to prosecute this infamous libeller for perjury, should it be considered advisable so to do. Your Lordship

may easily conceive that it is most painful to me to see such slander attached to my name, but I feel confident that an upright and honourable service of thirty-three years in India, will be my best reply to the base attacks now made upon me; arising, as they do, from my having at Sattara honestly and fearlessly performed an important public duty to the satisfaction of all my superiors both in India and in England.

I remain, &c.

C. OVANS.

*London, July 22, 1845.*

P.S.—I venture to enclose a copy of a note addressed by me to the Secretary at the India House, putting on record these my sentiments regarding Mr. Hume's Motion.

TO JAMES COSMO MELVILL, ESQ.

*Secretary of the Court of Directors.*

Sir,—Observing in the Papers regarding the case of the ex-Raja of Sattara, lately printed by the House of Commons, that Krushnajece Sudasew Bhidey has preferred the following charges against me—viz., first, that Lieutenant-Colonel Ovans has obtained from his Highness the Raja of Sattara, payment of the sum of 1,500 rupees per mensem to his (Lieutenant-Colonel Ovans's) father-in-law, and that this allowance was on his death transferred to the Resident's brother-in-law, who receives it up to this day; secondly, that when the Resident's lady and children proceeded to England, gold bullion and Venetian necklaces, to the value of 50,000 rupees, were purchased by the Raja and given to the Resident; and observing also, by the Votes of the House of Commons of Friday last, that Mr. Hume has founded a Notice upon those charges, and mentioned me by name, I feel it to be my duty to state that, while I repose entire confidence in the Hon. Court to take whatever steps they may deem necessary in consequence of these charges, whether in justice to the public service or to me as an officer in their employ, I desire to place upon record my indignant and unqualified denial of all and every part of this most atrocious and calumnious accusation; and to state, that if the Court of Directors deem it right for me to proceed to Bombay, either to be subjected to the most rigorous investigation, or myself to prosecute the infamous author of this libel, I am prepared, at every inconvenience and at all hazards to my health, at once to adopt that course.

I remain, &c.,

C. OVANS.

*London, July 21, 1845.*

## LETTER FROM SIR HARFORD JONES BRYDGES.

TO THE QUALIFIED PROPRIETORS OF INDIA STOCK.

“ Je ne puis rien nommer, si ce n'est par son nom :  
J'appelle un chat un chat, et Rolet un fripon.”

*Poesies de Boileau Despreaux.*

Note 3.—“ Ce vers a passé en Proverbe. C. Rolet, procureur au parlement de Paris, étoit fort décrié. On l'appeloit communément au palais l'âme damnée. M. le Premier President de Lamoignon employoit le nom de Rolet pour signifier un fripon insigne.”—*Page 12, Edit. de Londres, 1800.*

Brother Proprietors,—The infirmities which commonly accompany a life extended to the period mine is, preclude a personal interview between us, and it is only through that *glorious instrument of freedom and justice, the Press*, that we can communicate our sentiments and feelings to each other.

Since I last addressed you, I have very carefully perused the very accurate and minute account published of the debate which took place in your Court, on the 22nd and 23rd ultimo, and if on the one hand I am delighted and charmed with the clearness of arrangement, and unusual flow of true eloquence, put forth by those who advocated the cause of the injured Raja, on the other I was not less surprised at the weakness of argument, and the audacity of assertion, of those who undertook to reply. The sum of what the last put forth is : We, the Directors, have decided on the case ; the Board of Control has confirmed that decision ; the Gothamites of the Queen's Head Club, at Westminster, have dismissed all appeal. Potent Potentates ! or rather, fractions of imaginary Potentates !—remember that you are, at certain periods, elected to strut and fret your hour upon the stage ; that those periods revolve ; and that we, the despised, and, in some things, taunted, Proprietors, are—*your Electors*. Great Cæsar was cautioned against the ides of March by a soothsayer ; and I, who am neither vates nor soothsayer, caution you, great Sirs, against the Ides of April.

I will not waste your time by further commenting on the proceedings of Messrs. Ovans and Co., especially as they have received an ample and able critique from the gentlemen who discussed them in your Court ;

but if there be justice in England, or common sense left amongst us, *now is the time* for you and the gentlemen behind the Bar to correct their opinions, revise their decisions, and determine that the Raja shall be heard in his own defence, and that the evidence corruptly obtained against him, shall be fully and fairly submitted to him, to rebut, if he can.

Will you, or will you not, give *decent, due, and proper* consideration to the imploring and pathetic letter from the Raja to Sir Henry Hardinge, the Governor-General of India? or will you still implicitly rely on the consummate wisdom of Mr. Thomas Weeding—"That if it were possible" (which I firmly believe it is) "to demonstrate the Raja's innocence, it ought not to disturb the decision already given," and as implicitly subscribe to the new doctrine imported from Bengal by the ex-registrar of many Courts—"once right, for ever right; once wrong, for ever wrong." What is the whole system of British jurisprudence, at least as I have been taught to read it?—Balances and appeals!

After what, both in matter and manner, was said to you by the gentlemen who spoke at the last Courts, in favour of the Raja, assuredly it would be gross vanity to trouble you with many words myself; but I wish, through your Court, to call the attention of the great legist, lately returned from India, and now by your favour placed in so conspicuous a station, or rather what the Psalmist calls "slippery places," to a few words; they are words forming a part of a valuable and generally admired work, and are to be found in Jeremy Bentham, his preface to "Essay on Government:"—

"If, on the one hand, a hasty and indiscriminating condemner of what is decided on may expose himself to contempt, on the other hand, a bigoted or corrupt defender of *works of power* becomes guilty, in a manner, of the abuses he supports; the more so, if, by oblique glances and sophistical glosses, he studies to guard from reproach, or recommend to favour what he knows not how, and does not attempt, to justify."

Now, having put before the ex-Registrar the words of him, acknowledged to be one of the greatest jurists who has ever appeared in Europe, I will also beg to put before the twelve Honourable Directors, who voted against a re-hearing and re-consideration of the Raja's case, the

following words of the most pious, learned man of his age, whose early loss to the world will be lamented by Christians, by learned and unlearned, long after we shall be forgotten—Dr. Thomas Arnold :—

“ If it were so, I should very little regard it ; for as it is great presumption in any man to think himself *so certainly right in all his opinions as to refuse to re-consider them*, so it is great weakness, or great dishonesty, to conceal such alterations as further inquiry may have wrought ; the means are yet in our hands, *which it seems far better to use, even at the eleventh hour, than desperately to throw away.*”

“ Awake, arise ; or be for ever fallen.”

I remain, with great respect,

Your faithful Servant,

HARFORD JONES BRYDGES.

P.S.—You surely cannot be so wild as to allow the Directors to persuade you to join them in establishing in India, a new *Court of Inquisition*, of which Schiller, in his History of the Defection of the Netherlands, speaks of as established by Philip II. thus—

“ Which exposes any honest man to a constant fear of the worst punishment, inasmuch as it is open to any such person as a priest, faithless friend, a Spaniard, or reprobate fellow, to cause, whenever he pleases, whomsoever he will, to be accused before that tribunal, to be placed in confinement, *condemned*, and executed, without the latter *being allowed to know his accuser, or to adduce proof of his innocence.*”

Are you become, brother Proprietors, such admirers of the most ruthless tyrant that ever lived, as to lend a hand in imparting his detestable maxims of government amongst the gentle Indians ?

Before we part, let me once more earnestly request of you to ponder well the proverb,—

“ *Adversus solem ne loquitur,*” or “ Arguing against what is clear and self-evident, is the same as denying that the sun shines at mid-day.”  
—*Bland's Proverbs*, page 14.

Yours as above,

H. J. B.





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